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**SECTION 11 – ATTENDANCE AND LEAVE**

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**11.1 WORK SCHEDULES AND ATTENDANCE**

**Hours of Work.** City offices and Departments will be open for business as established by the Mayor in coordination with the City Council and Department Heads.

**Work Schedule.** Each Department Head will establish the actual work schedule for the Department in accordance with the needs of the Department and the City.

***Remote Work***

*Remote work may be available to employees whose jobs can be performed outside of the office, on a temporary, as needed basis only. Approval is subject to Department Head, HR and Mayor approval. Approved employees must ensure a quiet, professional work environment and be accessible to citizens and co-workers during established business hours. The City will provide necessary equipment; but, employees are responsible for the care and security of the equipment. Employees are responsible for their own internet service and must use the City's VPN. Employees may only use City approved tools for communication and collaboration and must conduct regular check-ins with managers. Employees approved for remote work are expected to meet deadlines, attend meetings, and maintain productivity levels. Employees should maintain a safe and ergonomic workplace. Management reserves the right to revoke remote work privileges at any time.*

*To apply, please see HR for request form. Eligible employees must reapply every three (3) weeks.*

*Remote work shall not be used in lieu of taking leave for FMLA purposes.*

**10-Hour and  
12-Hour Day  
Schedules.**

Any department or employees assigned to a 10-hour per day schedule and up to 12-hour schedule for Police Officers (or a similar compressed work week) shall either: (1) have their schedule changed to a typical 5-day, 8-hour per day schedule for any week when holidays are assigned in order to manage the 8-hour holiday provisions; OR, (2) continue the compressed schedule in a holiday week and receive 8-hours holiday pay and supplement 2-hours (or supplement 4-hours for Police Officers, or more, if necessary) with any other applicable leave, or take leave without pay excused in order to manage the 8-hour holiday provisions. This requirement and options shall be decided and managed by each applicable Department Head.

**Regular Full-Time  
Workweek.**

Normally, the regularly scheduled workweek for regular full-time classified service nonexempt employees will be forty (40) hours. However, in public

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safety jobs, where the Fair Labor Standards Act (FLSA) allows for the establishment of an extended work period, the number of regularly scheduled hours worked in the work period will be established in accordance with the FLSA as required to meet Department and City needs. See Compensation and Benefits, Section 12.

**Regular Part-Time  
Workweek.**

The hours part-time service employees and temporary employees work in a workweek will be established by the Department Head. The hours a regular part-time employee works in the workweek cannot be greater than 29 hours. Department Heads must ensure the number of hours a regular part-time employee are allowed to work does not exceed twenty-nine (29) hours per week.

**Temporary  
Employees  
Workweek.**

See Service Categories Section, Policy Section 3.1.

**Time Reporting.**

For the purpose of reporting regular time, overtime, leave or tardiness, time shall be rounded to the nearest quarter of an hour (except where otherwise specified under specific leave and pay administration policy sections).

**Attendance.**

Employees shall be at their designated places of work at the beginning of the scheduled work time. If an employee fails to report according to department or city policy, is tardy or absent, leaves the workplace without proper authorization, falsely reports time as actually worked, or misuses leave privileges, such employee is subject to disciplinary action, up to and including termination. Time cards submitted by each employee shall indicate the attendance for the preceding pay period.

**Breaks.**

Break times (although not legally required except for nursing mothers) will be decided, if applicable, by each Department Head (or their designee). Any breaks for 30 minutes or longer are not considered hours worked as long as the employee is relieved from duty and interruption. With limited exception (as defined by the Department Head or Manager), employees are expected to conduct personal activities during their approved break and lunch times during the workday.

**Breaks for  
Nursing Mothers.**

Consistent with the Patient Protection and Affordable Care Act, a work break will be allowed for nursing mothers to express breast milk. This includes: (1) A reasonable break time for nursing mothers for up to one year after children's birth each time employee has need to express the milk (employees are typically paid for breaks of short duration of less than 30

minutes); and (2) Provision of a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. Employees may consult with their Department or Human Resources if they need this accommodation.

**Authorized Leave  
and Unexcused  
Absence.**

Authorized leave is any absence during regularly scheduled work hours that is approved by the Department Head. Authorized leave may be with or without pay and shall be granted in accordance with these rules on the basis of work requirements.

Scheduled leave may be canceled by the Department Head at any time in the event of emergency situations and/or the necessity for certain manpower requirements (with the exception of Military Leave and most Family Medical Leave. See Policy Sections 11.2.5 and 11.2.6). Should such cancellation of leave occur, the employee shall report to work as directed. Failure to report may result in disciplinary action, up to and including discharge.

Employees must accurately record all leave times on their time card, and must account for all hours that the employee was scheduled to work. Leave codes include (but are not limited to) the following:

<b>Code</b>	<b>Type of Leave / Absence</b>
<b>ADMIN</b>	<b>Paid Administrative Leave</b> <b>Pay Codes:</b> <ul style="list-style-type: none"> <li>• ADMIN – Bereavement</li> <li>• ADMIN – Blood Donations</li> <li>• ADMIN – Jury Duty/Court</li> <li>• ADMIN – Weather</li> <li>• ADMIN -- Performance</li> <li>• ADMIN -- Safety</li> <li>• ADMIN – Voting</li>   <li>• ADMIN – Mayor</li> <li>• ADMIN – HR (Policy)</li> <li>• ADMIN - Legal</li> </ul>
<b>BH</b>	<b>Banked Holiday Used</b>
<b>BH – FMLA</b>	<b>Banked Holiday Used - FMLA</b>
<b>BH – WC</b>	<b>Banked Holiday Used Within First 3 Days of Workers’ Compensation</b>
<b>COMP</b>	<b>Comp Time Used</b>
<b>COMP - FMLA</b>	<b>Comp Time Used - FMLA</b>
<b>COMP – WC</b>	<b>Comp Time Used – First 3 Days of Workers’ Compensation</b>
<b>FH</b>	<b>Floating Holiday Used</b>
<b>FH – FMLA</b>	<b>Floating Holiday Used - FMLA</b>
<b>FMLA – Unpaid</b>	<b>Family Medical Leave – Unpaid Leave</b>

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<b>HOL</b>	<b>Holiday Pay</b>
<b>LWOP – Excused</b>	<b>Leave Without Pay - Excused</b>
<b>LWOP – Military</b>	<b>Leave Without Pay – Military Leave After Paid Military Time is Exhausted</b>
<b>LWOP – Unexcused</b>	<b>Leave Without Pay - Unexcused</b>
<b>MIL</b>	<b>Military Time Used</b>
<b>ON CALL</b>	<b>On Call Pay</b>
<b>PL</b>	<b>Personal Leave Used</b>
<b>PL - FMLA</b>	<b>Personal Leave Used - FMLA</b>
<b>PL – WC</b>	<b>Personal Leave Used Within First 3 Days of Workers’ Compensation</b>
<b>SICK</b>	<b>Sick Leave Used</b>
<b>SICK – FMLA</b>	<b>Sick Leave Used - FMLA</b>
<b>SICK – WC</b>	<b>Sick Leave Used Within First 3 Days of Workers’ Compensation</b>
<b>VAC</b>	<b>Annual Leave Used</b>
<b>VAC – FMLA</b>	<b>Annual Leave Used - FMLA</b>
<b>VAC – WC</b>	<b>Vacation Used Within First 3 Days of Workers’ Compensation</b>
<b>WORKERS’ COMP</b>	<b>Workers’ Compensation Leave Used (LWOP) Also counts as FMLA - Unpaid</b>

*See each policy section requirements for each type of leave.*

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**Absenteeism.**

An employee shall be responsible for ensuring that notification of any unscheduled absence is reported to his/her immediate managers or other designated individual in accordance with Department policy or, in the absence of a Department policy, within one (1) hour after the beginning of the scheduled workday on which the absence occurs, if possible. An employee must notify his/her managers to report the following information:

- 1) employee's name;
- 2) reason and nature of the absence; (including sufficient information to inform manager if the absence qualifies as FMLA); AND
- 3) expected return date and time.

Unauthorized absences without proper notification may result in unexcused leave without pay and/or disciplinary action, up to and including termination.

Three (3) consecutive workdays' absence without proper notice shall be considered as abandonment of the job and voluntary termination of employment by the employee.

**Excessive Absence Without Pay – Unexcused** – Corrective Action will be taken for unexcused absences within any 12-month rolling period, as follows:

Employees Regularly Working Less Than 24-Hour Shifts

- 8 Hours – Mandatory Written Warning
- 16 Hours – Mandatory 3 Day Suspension Without Pay
- 24 Hours – Discharge

Employees Regularly Working 24-Hour Shifts

- 12 Hours – Mandatory Written Warning
- 24 Hours – Mandatory 3 Day Suspension Without Pay
- 48 Hours – Discharge

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**11.2 LEAVE AND HOLIDAYS**

The City of Madison provides the following types of leave for its eligible regular full-time employees: annual leave, personal leave, sick leave, administrative leave (including jury duty, job-related training, inclement weather, bereavement leave), military leave, FMLA Leave, and leave without pay. Employees will not be paid for any leave they have not yet accrued, or for hours in excess of their account balance. Employees must take and account for leave in 15-minute increments, unless otherwise required below.

**11.2.1 ANNUAL LEAVE**

Annual leave is provided primarily for vacation purposes, but may be used for any purpose by an eligible employee.

**Accrual of****Annual Leave.**

Eligible employees shall accrue annual leave hours at rates based upon their length of City Service in accordance with the following schedule:

Length of Service / Accrual/Work schedule	Hour Accrual <b>Per Pay Period</b> Average of 40-Hour Week	Hour Accrual <b>Per Pay Period</b> Full-Time, 24-Hour Shifts
Less than 5 Years	3.08	4.31
5 Year	4.62	6.46
10 Year	5.54	7.75
15 Year	6.15	8.62
20 Year	6.77	9.48
25 Year	7.69	10.77

Employees on a 24-hour shift schedule who are later reassigned to a standard 40-hour work week shall not lose any accrued leave balance, nor shall the accrued balance be adjusted at the time of transfer only. Once transferred, they will begin accruing leave at the 40-hour week rate.

Likewise, employees assigned to the standard 40-hour work week schedule who are later transferred to a 24-hour shift will not have accrued leave balance adjusted at time of transfer and shall begin to accrue time at a 24-hour rate.

The Department Head shall manage the leave time and shall send documentation to Human Resources in advance of the transfer so the accrual rates can be adjusted.

All employees shall be subject to leave maximums, separation payout and all other subsection provisions of this policy.

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**Eligibility.**

All regular full-time employees will be credited with annual leave each pay period, as it is earned. Employees will be eligible for the increase rate of accruals based on length of service by the beginning of pay period following their anniversary date. Employees are entitled to use accumulated annual leave after receipt of the first paycheck.

Employees returning to the City service within twelve (12) months after their separation date will, upon rehire, accrue annual leave based on their total length of City service.

Employees in non-pay status, temporary status or part-time status are not eligible to accrue annual leave; and accruals will stop once any employee exhausts their accrued leave balance or is in no-pay status, except where required by law.

**Leave Requests and Approval.**

Requests for annual leave will be made by employees as far in advance as possible of the time desired (at least five (5) workdays in advance, unless otherwise approved by the Department Head) and will be submitted on the City's approved leave form. It will be approved at the discretion of each Department Head, taking into consideration the needs of the City, the Department, and the employee. However, if an employee is on approved leave due to sickness and sick leave accruals are inadequate to cover the absence, the time lost may be charged to the employee's annual leave accruals, if eligible and available.

**Leave Maximums.**

An employee generally will be expected to take annual leave in the leave year that it is earned. However, a total of 200 hours (280 hours for 24-hour shift employees) of unused leave may be carried forward from one leave year to the next leave year. The carry-over limit equals the most leave any employee could possibly earn in a one-year period. Any accumulated leave that exceeds this amount at the end of the calendar year will be converted to sick leave.

**Periodic Pay-out.**

Non-probationary employees may request conversion of a maximum of 40 hours (or 56 hours for 24-hour shift employees) of annual leave into pay during two annual windows (November-December, April-May each year).

**Separation Pay-out.**

If an employee fails to give two (2) weeks notice of resignation, fails to return all city-owned equipment or other property as determined by the Department Head, fails to repay all balances due to the City for tuition payments, or fails to schedule an exit appointment with Human Resources to complete all necessary documentation, the employee shall forfeit all



accrued annual leave. However, when an employee is either involuntarily terminated or mutually separated from the City, he/she may receive annual leave payout regardless of inability to provide a two-week notice. If eligible, after separation, an employee shall be paid at the employee's current straight hourly rate for all unused annual leave up to a maximum of 200 hours (280 hours for 24-hour shift employees). Payment to employees for accrued annual leave will not be made prior to separation, but will normally be paid to the employee on the pay period following his/her last regular paycheck.

In the event of an employee's death, payment for accrued annual leave credited to the employee's leave balance up to a maximum of 200 hours (280 hours for 24-hour shift employees) will be made to the employee's direct deposit account on file or to the estate of the deceased employee.

### **11.2.2 PERSONAL LEAVE**

All full-time, regular employees will receive eight hours (8 hours) of personal leave time per fiscal year, after receipt of their first paycheck. Employees in non-pay status, temporary status or regular part-time status are not eligible for personal leave. These hours may be used at the employee's discretion, contingent on approval by the Department Head. They may be used for personal purposes, such as child-care, school events, court appearances of a personal nature, family member doctor's appointments, children's sports events, or for any other personal reason. Personal leave must be used in full hour increments.

Personal leave does not carry over to the following fiscal year, nor does it transfer to other leave accounts. Any unused leave will expire on the last day of the fiscal year. No employee will be paid for unused personal leave when he/she separates from City service.

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**11.2.3 SICK LEAVE**

Sick leave is provided to regular full-time service employees. Sick leave shall not be considered a privilege for employees to use at their discretion, but shall be used as **authorized only in case of actual sickness or disability.**

**Accrual of Sick Leave.**

Regular full-time employees, except those employees who are regularly scheduled to work 24-hour shifts during their workweek/work period, will earn sick leave credit at the rate of 3.7 hours per pay period for a total of 96.2 hours of sick leave per year. Such employees may accumulate and carry forward an unlimited amount of sick leave credit. Employees who are regularly scheduled to work an extended 24-hour shift during their workweek/ work period will earn sick leave credit at the rate of 5.2 hours per pay period for a total of 135.2 hours of sick leave per year. Such employees may accumulate and carry forward an unlimited amount of sick leave credit.

**Eligibility.**

Eligible employees will be credited with sick leave each payperiod, as it is earned. Employees in non-pay status, temporary status or part-time status are not eligible to accrue sick leave; and all accruals will stop once the employee exhausts their accrued leave balance or is in no-pay status, except where required by law.

*No employee shall be authorized to take paid sick leave without proper and sufficient accrual. If such leave credits are inadequate to cover absences for which sick leave is granted, the time lost may be charged first to any other authorized accrued leave or leave balance and then as leave without pay excused.*

**Separation and Rehire.**

No employee will be paid for unused sick leave when he/she separates from City service, and will forfeit any sick leave accruals. See “Anniversary Dates” in Policy Section 12.1. However, employees returning to the City service within twelve (12) months after their separation date will have half of their sick leave balance restored upon rehire.

**Retirement.**

Upon retirement with the Retirement Services of Alabama (RSA), an eligible employee’s unused sick leave may be converted to retirement service credit, consistent with and contingent upon the requirements of RSA. Employees must complete required forms for the conversion at time of retirement application. The leave will be converted the following pay period (before the actual retirement date). Once forms are completed, the

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leave should not be used by the employee. If any leave is used, RSA may adjust the employee's account after retirement. These provisions are subject to changes by RSA or state law at anytime.

**Periodic Pay-out.** Non-probationary employees may request conversion of a maximum of 40 hours (or 56 hours for 24-hour shift employees) of sick leave into either annual leave or pay during two annual windows (November-December, April-May each year). However, after conversion, employees must have a minimum remaining sick leave balance of at least 80 hours.

**Use of Sick Leave.**

Accrued sick leave may be granted to eligible employees for the following types of reasons:

- (a) *When the employee is unable to work due to the employee's own illness, injury incurred off-duty, or when his/her presence may endanger the health of fellow workers;*
- (b) The employee's doctor, dentist, chiropractor, optometrist, or other physician appointments; or
- (c) Designated (approved) FMLA Leave. (See FMLA policy section.)
- (d) To care for an immediate family member's illness, injury, or "serious health condition," which is defined in the City's FMLA policy, section 11.2.6. For purposes of this policy subsection, "immediate family" may include current spouse, parents, grandparents, children, grandchildren, brother or sister, and equivalent relations of the employee's current spouse and also includes "step," in-law, and half-relative equivalents.

**Leave Requests and Approval.**

To be granted sick leave, an eligible employee must notify her/his managers of inability to report to work within one (1) hour of usual reporting time if possible, or by such earlier time as may be required by the needs of individual Departments. The employee must notify his/her manager of:

- 1) employee's name;
- 2) reason and nature of the absence; AND (including sufficient information to inform manager if the absence qualifies as FMLA); AND
- 3) expected return date and time.

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If the leave qualifies as a Family Medical Leave condition, the employee must also follow all the requirements under the Family Medical Leave Section. Failure to comply with these rules or individual Department rules may be cause for denial of sick leave, unexcused leave without pay, and/or disciplinary action, at the discretion of the Department Head.

The Department Head or designated representative shall determine if the employee is making proper use of authorized sick leave benefits. **Proof of illness, including doctor's certificate or documentation of facility visit, is be required for all absences over 3 days.** Misuse of such leave shall be cause for disciplinary action, up to and including termination.

**Limitations on Authorization.**

Paid sick leave will not be authorized to any employee actively engaged in outside employment or any type of contract work or self-employment work during his/her regular work shift. However, the employee's time may be approved for vacation, other paid leave or leave without pay, excused, if applicable.

**Returning to Work After Extended Leave Or Serious Medical Event**

**Regular full and part-time** employees who have been absent from duty due to medical leave of a nature or duration that could affect performance (or ability to perform the job with or without reasonable accommodation) shall be evaluated by the City's physician before returning to duty after the employee provides documentation from his/her personal physician that employee can return to regular duty performing the essential functions of the job. Department Heads must notify the Human Resources Department to schedule an appointment for the employee before setting a firm date for the employee to return to work. Human Resources will provide the City's physician with copies of each applicable job description that shall define the essential functions of each position. Employees must give prompt notice to their Department Head, provide the aforementioned documentation from their physician, and must be available for this evaluation before returning to duty.

**Return to Work On Light Duty**

*Employees may return to work on light duty with a temporary medical certification from their treating physician that clearly states specific temporary restrictions, after consultation with HR, and in conjunction with Department Head to receive approval. Temporary assignments must*

*align with the department's needs and the employee's temporary health condition. A medical certification must be completed for temporary light duty every three months for recertification. All duties must fall within the realm of the employee's typical duties, a new position will not be created to meet restrictions set by the physician. Light duty assignments are intended to be temporary and cannot exceed one (1) year in durations. After this time, the employee must either return to their full duties or other arrangements may be considered, including potential reassignment at a different pay grade.*

*The same procedures shall be followed when returning from FMLA.*

**Fraudulent Use.** Any unjustified or fraudulent use of sick leave may result in loss of pay, the time off being charged as unexcused leave and/or disciplinary action, up to and including termination.

**Coordination With  
Workers'**

**Compensation.** When an employee is absent due to a job-related injury or illness, the absence will be compensated in accordance with the Workers' Compensation Leave Section of this policy.

**11.2.4 PAID ADMINISTRATIVE LEAVE**

All employees may be authorized leave with pay for inclement weather declaration (see below), jury duty, court attendance as a witness in cases not involving personal litigation, bereavement (see below), voting (see below), or other appropriate reasons as approved by the Department Head and either the Mayor, City Attorney or Human Resources Director. Any fees paid the employee may be retained by the employee in addition to administrative leave pay. The number of hours of leave granted for each day will not exceed the number of hours the employee is normally scheduled to work for that day.

**Severe  
Weather.**

When the City has severe weather, the Mayor shall have the authority to close City Hall and other city facilities, and to declare that non-essential personnel will not report to work, or may report to work at a delayed start time. For the actual hours facilities are closed or delayed, the Mayor may grant administrative leave to all non-essential personnel excused from working. When administrative leave is granted, it will not apply to

employees who are already absent due to other leave (vacation, sick, no pay, etc.).

However, when business is open and the employee does not report to work, his/her pay or eligible leave accruals will be deducted or he/she will be on Leave Without Pay. See Policy 12.1.1 concerning exempt employees.

*Whenever the Mayor grants such Administrative Leave due to city-wide inclement weather, essential personnel (other than Police and Fire Department personnel) who must report to work will have an alternate day off (or partial day off), totaling the same number of hours city hall was closed, with the approval of their Department Head, that must be taken within 12 months from the day declared. After 12 months or when an employee is terminated, this leave will be forfeited. Police and Firefighters who are regularly scheduled to work will report to work, and the alternate day policy will not apply due to their status as regularly scheduled emergency personnel.*

*Department Heads or their designee will attempt to notify all employees when facilities are closed. City Hall and other facility closures will normally be announced through various public media sources (may include: city email, website, news broadcasts, and Nixle). If employees need a different notification, they shall make arrangements in advance with their Department Head.*

The Mayor or Department Heads, as appropriate, shall designate essential personnel based on the needs of the City.

### **Bereavement Leave.**

All full-time employees may be entitled to bereavement leave with pay, not to exceed the next three scheduled work days (or 24 scheduled work hours for 24-hour shift personnel), after a death in the immediate family.

For purposes of this policy subsection, immediate family may include current spouse, parents, grandparents, children, grandchildren, brother or sister, and equivalent relations of the employee's current spouse and also includes "step," in-law and half-relative equivalents. Included within the definition of immediate family may be those persons who live with the family as a member of the family whether related or not, to be determined at the Department Head's discretion.

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Bereavement leave is paid only for regularly scheduled work days missed and not for any other days such as holidays or scheduled days off. Employees may be required by the Department Head to provide some form of documentation of the death and relationship to the employee. The Department Head will determine if the documentation is sufficient to justify the need for the leave.

**Blood  
Donations.**

Any regular full-time employee donating blood may be granted up to four (4) hours of administrative leave, according to the following requirements:

- Leave may be granted for the purpose of recovery time on the day the employee gives blood during times the employee is regularly scheduled to work. It may not be granted for additional days or days the employee is already scheduled to be off work.
- The leave may be granted in addition to the time required to actually make the donation. Time required for the donation itself may also be administrative leave, if it occurs during the employee's regular work hours.
- All such leave must be coordinated with the Department Head and subject to advance Department Head approval.
- The Department Head may require the employee to provide documentation from the donor site indicating the employee donated blood at a specific time and date, especially if the site is not on city property.
- This leave is subject to all other provisions of Personnel Policy Section 11.

The purpose of this leave is: 1) to support and encourage employees desiring on their own to make such a donation; and 2) to allow employees adequate time to recover on the day they donate blood.

**Voting Leave.**

Alabama law (§17-1-5, Code of Alabama, 1975) requires employers to allow one (1) hour time off to vote, but only for employees whose work schedules do not allow for their work times to begin at least two (2) hours after polls are open, or end at least one (1) hour before polls close. Employees must give sufficient advance notice and be registered and qualified to vote in the election. Any additional Administrative leave granted for voting (beyond this requirement) will be solely at the Department Head's discretion, considering business needs.

An employee who serves as a precinct election official in Alabama is entitled to take the day off to perform election duties. The time off will not count against an employee's accrued leave. The employee is required

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to give the Department Head at least seven (7) days advance notice of the need for this leave and furnish evidence of the appointment as an election official.

### **11.2.5 MILITARY LEAVE**

Authorization of military leave will be in accordance with applicable federal and state statutory requirements. It is the intent of the following policy to comply with all legal requirements concerning military leave. The terms and conditions of this policy are to be construed in accordance with state and federal law. The City of Madison will abide by all the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and will grant military leave to all eligible full-time and part-time employees. Military leave may be granted to full-time and part-time employees for a cumulative period of up to five (5) years. The intent of this policy is to neither restrict nor broaden statutory requirements related to military leave. As the laws change or as interpretations of the laws change, military leave provisions for employees may change accordingly. The City of Madison reserves the right to amend, modify or discontinue its military leave policy and/or benefits in accordance with applicable federal and state law.

***Entitlement.** Unclassified and classified service employees who are active members of the National Guard, Naval Militia, or the State Guard organized in lieu of the national guard or of any other reserve component of the Armed Forces of the United States, and who make a request for military leave of absence for active military duty and/or for training purposes shall be granted military leave of absence from their respective duties. Military leave of absence will be granted for all days that they are engaged in field or coast defense, or other required training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves without loss of time, efficiency rating, annual leave, or any other City provided benefits (including health insurance coverage as set forth below), except to the extent such entitlement is limited by these policies.*

#### **Pay While on Military Leave.**

No persons granted such leave of absence will be paid for more than 168 hours of military leave per calendar year. This military service includes drills, annual training or military schools and/or active duty.

#### **State Active Service Duty.**

Employees will be granted another 168 hours of leave per calendar year when called by the Governor to duty in the active service of the state.

#### **Annual Leave/**



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**No-Pay Status****Military****Leave.**

When an employee has exhausted the 168 hours of paid military leave and is still on active military duty, he/she may (but is not required to) use accrued annual leave. Any paid leave time must be used continuously for any time period until either the leave is exhausted or the military duty period is completed. In the event an employee elects not to use his/her accrued annual leave or exhausts all accrued annual leave, remaining time on military duty will be on a no-pay leave basis. See No-Pay Status policy.

**Military Leave****Supplemental Pay**

Once an employee is called into active service in the armed forces of the United States during the war on terrorism and has exhausted all their paid military leave entitlements and has gone on No-Pay status, he/she will be eligible to receive military leave supplemental pay from the City of Madison in an amount equal to the difference between the lower active duty military base-pay and the public employment base-pay salary which he or she would have received if not called to active service. For this purpose, shift firefighters salary will be based on the regular 24-hour shift hourly rate of pay times an average of 53 shift hours per week. Eligible employees must make a written request to the Human Resources Department prior to beginning the military assignment and must submit all required paperwork to Human Resources for monthly payments. Required deductions may be taken from the monthly payments.

The City of Madison and its officials reserve the right to change, suspend, interpret or discontinue the program, procedures, or forms at their sole discretion and without advance notice.

**Health Insurance.**

During military service, eligible employees remain entitled to available health insurance benefits. For the first thirty (30) days on which an employee is on military service, health insurance coverage will be provided (and employee payment of premiums will be required) as if the employee were continuously employed with the City. For leaves lasting longer than 30 days, applicable employees will be eligible to continue their health benefits by paying 102% of the total cost of their health insurance premiums.

**Pension/  
Retirement Plan  
Benefits.**

When an employee returns from military leave, the employee may request to make the contributions they would have made if the employee were not

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on military leave and was continuously employed with the city, as long as all the Retirement Systems of Alabama (RSA) requirements are met.

**Return to Work.**

For an employee who has been on military leave for less than thirty (30) days, he/she must return to work at the beginning of the next regularly scheduled work day after release from service, with time allowed for reasonable and safe travel, as well as an eight (8) hour rest period. For service of thirty (30) days or more, but less than one hundred eighty (180) days, an employee must return to work within fourteen (14) days after release from service. For service of one hundred eighty (180) days or more, an employee must return to work within ninety (90) days of release from service. For any employee who is injured during military service, he/she must return to work within two (2) years after release from military service.

Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment.

**Job Position After Return.**

For any employee who is on military leave for ninety (90) days or less, he/she will be re-employed in the same position the employee would have held if he/she had remained continuously employed with the City, provided that the employee is qualified, for the position or can become qualified after reasonable efforts by the City to enable the employee to be qualified. For any employee who is on military leave for more than ninety (90) days, he/she will be re-employed: (1) in the same position the employee would have held had he/she remained continuously employed with the City, or (2) in a position of equivalent seniority status or pay, provided that the employee is qualified for the position or can become qualified after reasonable efforts.

If an employee who has been on military leave for more than ninety (90) days cannot become qualified, the employee will be re-employed in any other position of lesser status and pay that the employee is qualified to perform with full seniority.

*All employees returning from military leave are entitled to and shall receive the rights, benefits and seniority that they would have attained with continuous employment.*

**Request For**

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**Military Leave.** An eligible employee who wishes to be granted military leave will submit a leave request through the Department Head, together with a copy of military orders, annual training or drill schedules, or other documentation necessary to support the request. The orders for annual training, drill schedules, or active duty must be submitted as soon as the employee becomes aware of the projected date of service. While such request for leave generally should be provided as far in advance as practicable, advance notice is not required where precluded by military necessity or cannot reasonably be given in advance. Employees also must submit notice of any changes from the published training schedules in a timely manner. For employees whose schedules normally require work on weekends, each Department Head shall arrange the employee's work schedule so as to minimize the need for military leave under these policies.

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**11.2.6 FAMILY MEDICAL LEAVE**

The following text outlines the City's policies in compliance with the federal Family Medical Leave Act (FMLA). Not every detail can be included in this policy; however, it is the intent of this policy to comply with the provisions of the Family Medical Leave Act of 1993 ("the Act"), as may be amended from time to time. The following policy and all terms and conditions set forth herein shall be construed and applied in accordance with the Act. The intent of this policy is to neither restrict nor broaden the requirements of the Act.

**Eligibility.**

Employees must have been employed at least 12 months (not necessarily consecutive) with the City and must have worked 1,250 hours or more in the immediate previous 12 months to be eligible for FMLA Leave.

Employees who missed work due to National Guard or Reserve duty shall have any hours and months the employee would have worked if not called military duty counted in determining FMLA eligibility.

**Reasons for Leave.**

FMLA Leave is a personal leave-of-absence that may be taken without pay for one or more of the following reasons:

- 1) New Child -- the birth of a child or placement of a child with the employee for adoption or foster care,
- 2) Employee's Serious Health Condition -- the employee's own serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- 3) Family Serious Health Condition -- to care for a spouse, child, parent, who has a serious health condition (Child includes biological, adopted, foster, stepchild, legal ward or a child standing in loco parentis, in which the employee actually has day-to-day responsibility for care). The definition of "child" is limited to children under the age of 18, or 18 years of age or older who are incapable of self-care because of a mental or physical disability.
- 4) Qualifying Exigency -- arising out of the fact that a spouse, child, or parent is called to covered active duty or has been notified of an impending call to covered active duty status in the Armed Forces in support of a contingency operation. To qualify for this leave, the family member must be: (a) in a Reserve status (not in the regular armed forces), or (b) in the regular military and deployed in a foreign country AND there must be a "qualifying exigency" arising out of the call to duty.
- 5) Injured Service Member -- An eligible employee may also take up to 26 weeks of leave during a "single 12-month period" to care for a "covered service member" with a serious injury or illness, when the

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employee is the spouse, son, daughter, parent, or next of kin of the service member. A “covered service member” means a member of the armed forces (including national guard or reserves) who is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness incurred while on active duty. Unlike other kinds of FMLA leave, this is available only once per covered service member per injury.

**Serious Medical Condition.**

A serious medical condition is defined as an illness, injury, impairment or physical or mental condition that involves:

- 1) *Inpatient care in a hospital, hospice or residential medical facility, including a period of incapacity connected with inpatient care; OR*
- 2) Continuing treatment by a health care provider for a serious health condition including:
  - a) a period of incapacity of more than three (3) consecutive full calendar days; PLUS treatment by a health care provider twice, or once with a continuing regimen of treatment; OR
  - b) any period of incapacity related to pregnancy or prenatal care (need not be for more than three days); OR
  - c) any period of incapacity or treatment for a chronic serious health condition (including those requiring periodic visits for treatment by a healthcare provider, continuing over an extended period of time, possibly causing episodic, rather than continuing, periods of incapacity); OR
  - d) a period of incapacity for permanent or long-term condition for which treatment may not be effective (i.e., Alzheimer’s, a severe stroke, terminal stages of a disease such as cancer, etc.) OR
  - e) any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery or a condition, which would likely result in incapacity of more than three consecutive, full calendar days absent medical treatment.

Not covered: FMLA Leave is NOT ordinarily intended to cover routine physical, eye or dental exams, and cosmetic treatments (unless inpatient treatment is required or there are complications). Ordinarily, unless complications arise, the common cold, flu, earaches, headaches (except migraine), routine dental or orthodontic problems, and periodontal disease are not serious health conditions, and are not generally appropriate for use

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of FMLA Leave. For all non-serious health conditions, employees should ordinarily use available sick leave.

**Length and  
Timing of Leave.**

FMLA Leave shall be counted for a 12-month period during the City's fiscal year. Eligible employees are entitled to a total of 12 weeks of unpaid leave within any twelve (12) month period (fiscal year).

**For Birth or Placement of a Child** – FMLA Leave must be taken:

(1) *within 12 months after the birth, adoption or placement of the child, and*

(2) *such leave must be taken all at once for birth, adoption, or placement of foster child.*

*If both parents are employed by the City and eligible for FMLA Leave, they are entitled to a combined 12-week allotment for birth, adoption or placement of a foster child with their spouse. If an employee OR their spouse employee takes FMLA Leave but return before exhausting the allotment, the other parent may take any remaining FMLA Leave.*

*In any case, the allotment will be reduced by any FMLA Leave the employee has taken during the 12-month calculation period.*

**For Injured Service Member** -- *For injured service member leave, the employee and his/her spouse may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above.*

**Intermittent Leave** – *When an employee meets requirements to take FMLA on an intermittent basis due to an ongoing chronic condition, an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason, in accordance with the Medical Certification. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.*

**Leave Requests,  
Notifications and  
Certification  
Procedures.****Step 1. Employee's Request for Leave**

- Employees are required to comply with the City's requirements for requesting leave (under "Absenteeism", Section 11.1), and the employee must provide sufficient information for the Managers to reasonably determine whether the FMLA applies to the leave requested and to estimate when and how much leave the employee anticipates needing to take.
- If the employee fails to provide the Manager with sufficient information to determine whether the leave is FMLA-qualifying, the leave may not be granted.
- Employees may also specifically request to use FMLA using the City "Leave Request Form" (from Human Resources or their Department).
- Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is not foreseeable 30 days in advance, employees must provide notice as soon as possible under the circumstances.

**Step 2. Manager's Notification of Eligibility, Rights & Responsibilities**

- Managers may provisionally allocate absences as FMLA if there is information available supporting one of the "Reasons for Leave" defined by the FMLA Act, within 5 business days (verbally or written).
- Managers provide employees the "FMLA Notice Form" as soon as practicable, and within five (5) business days.
- The Notice shall specifically tell the employee:
  - 1) the type of FMLA requested;
  - 2) the beginning date of the leave;

- 3) whether or not the employee meets the service requirements for FMLA;
- 4) Medical Certification requirement for FMLA leave;
- 5) Other provisions set forth in the personnel policies.
- The employee may be given 15 calendar days to submit Medical Certification for the FMLA (attached to the form).
- A complete copy of the Notice should be forwarded to Human Resources for the official FMLA file/record.

**Step 3. Employee's Medical Certification**

- The employee shall submit a copy of the “Confidential” Medical Certification (if required by the Managers) to the Managers within 15 calendar days.
- If the employee has any questions, he/she may consult a Human Resources Coordinator.
- A copy of the Confidential Forms may be used by the Managers in ensuring that the Timekeeper codes the employee's time as FMLA; and all forms shall be forwarded to Human Resources for the official FMLA file/record.
- If the certification form provided is not complete and sufficient to determine whether the FMLA applies, the Managers may require additional information, limited to the Certification Form items, to be provided by the employee within 7 calendar days (from written notification). The Managers may use the FMLA Determination/Inquiry to communicate with the employee.
- Upon request of the manager, the City's health care provider or Human Resources Department may contact the employee's health care provider for authentication or clarification of the medical certification information, if needed, within the scope of the form.

**Communications  
And Certifications  
While on FMLA**

**Employee Contact** -- While on leave, for any of the qualifying reasons, the employee is required to contact his/her immediate managers at least once on or before the end of every (15) business days of leave. The purpose of the contact is to give a status report of the leave, and approximate return to work date.

**Eligibility Status Change** – If the employee's eligibility status changes, the Managers must notify the employee of the change within five (5) business days of the Managers learning of the change using the FMLA Determination/Inquiry Form.



**Timekeeping and FMLA Balances** – Department Heads (or their Timekeepers) shall enter the proper FMLA codes into the pay system for tracking FMLA balances (See Section 11.1 for Codes).

**Reports to Employee** – Upon request by the employee, the Managers (or Timekeeper) must provide total FMLA designations (time reporting reports showing FMLA taken) to the employee, but no more often than once in a 30-day period.

**Recertification of an Ongoing Condition** – After receipt of medical certification, the City may require periodic recertification of a serious health condition:

- (1) At the conclusion/expiration of the certified period; or
- (2) If employee requests an extension of the leave; or
- (3) If circumstances described in the previous certification have changed significantly; or
- (4) If the Manager receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.
- (5) It has been 6 months since the last certification was received (could request sooner based on 1 through 4 above).

**Additional Medical Opinion** -- The City may also require a second or third medical opinion at the City's expense.

If an employee fails to timely submit a properly requested certification or recertification. FMLA protection for the leave may be delayed or denied.

**Intermittent Leave** – The Managers may require a fitness-for-duty certification up to once every 30 days for an employee taking intermittent or reduced schedule FMLA leave if reasonable safety concerns exist regarding the employee's ability to perform his or her duties based on the conditions for which leave was taken.

**Coordination With  
On-the-Job  
Injuries.**

If an employee misses work because of a compensable workplace injury or illness for which the employee receives workers' compensation benefits, and if the injury or illness qualifies as a medical leave under the Family and Medical Leave Act, such leave may be deducted from the employee's 12-week FMLA leave entitlement.

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**Pay and  
Coordination With  
Other Leave.**

Sometimes more than one type of leave may apply to a situation. Where allowed by law, leaves will run concurrently, unless a Manager approves otherwise. FMLA leave (although non-paid according to the Act) may run concurrently with other types of applicable paid and non-paid leave, when eligible:

- (a) sick leave;
- (b) annual leave;
- (c) any other banked or accrued leave (personal leave, banked holiday, floating holiday, etc.);
- (d) workers' compensation leave; or
- (e) leave without pay, excused.

For Workers' Compensation leave, See Workers' Compensation policy section concerning pay provisions. For all other FMLA, although FMLA Leave is unpaid, eligible employees shall first use all applicable accrued leave balances until they are exhausted. After all applicable leave balances have been exhausted, there may be no pay for any further FMLA Leave taken, and the time will be recorded into the payroll system as "FMLA-Unpaid".

**Benefits  
Continuation  
and Accruals.**

The City may continue group health insurance coverage for an employee on FMLA during the eligible FMLA period, as long as the employee continues to make individual contributions that the employee normally pays towards benefits.

Employees on paid leave during the eligible FMLA period will continue to have payroll deductions including contributions to group benefits deducted each pay period.

An employee on unpaid FMLA leave must make arrangements to pay the normal employee portion of the insurance premiums (per pay period) in order to maintain insurance coverage during the eligible FMLA period. Employees will have a 30-day grace period in which to make premium payments. If payments are not made timely, group health insurance may be cancelled. See "No Pay Status" Section 11.2.11 and the "Benefits" Section 12.3 of the personnel policies for more information.

Accruals -- Employees are not entitled to accrue annual leave or sick leave

during any part of their leave in which they are on NO-PAY STATUS and accruals will be stopped once the balances are exhausted.

The City cannot make contributions to the employee's retirement plan while the employee is on NO-PAY status. See Sections 11.2.11 and 11.2.12 of this policy for more information.

***Reinstatement  
And Failure to  
Return.***

*Upon return from eligible FMLA Leave, employees may be reinstated to their job or to an equivalent position, contingent on the employee following all notice and job requirements and ability to perform the essential functions of the position, unless the employee would have otherwise been laid off, reassigned or terminated. Employees cannot be guaranteed return to their regular job.*

*If an employee does not return to work at the end of his/her qualified leave, such absence may be counted as unexcused, and the employee may be subject to disciplinary action, up to and including termination. The employee may also be responsible for costs the City incurred to maintain insurance in effect during the leave.*

*Employees are expected to promptly return to work when the circumstances which necessitated leave end. If circumstances change during the leave and the necessary leave period is shorter than originally expected, the employee must give the City reasonable notice (i.e., within two (2) business days) of the changed circumstances where foreseeable and request reinstatement.*

***Return to Work and Fitness for Duty*** – *If FMLA Leave is for the employee's own serious health condition, the employee may return to work on light duty. See Section 11.2.4, pages 11 and 12.*

*Once prepared to return to full duty, the employee will be required to provide a fitness for duty statement from the treating medical professional before returning to work certifying the ability of the employee to perform the essential functions of the job. After receipt of this statement, the City may, at its discretion and expense, require a second opinion. who have been absent from duty due to medical leave of a nature or duration that could affect performance (or ability to perform essential functions of the job with or without reasonable accommodation) shall be evaluated by the City's physician before returning to duty. This evaluation will be scheduled after the City receives complete fitness for regular duty documentation from the treating physician. See Sick Leave Section.*

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*Should an employee, ineligible for FMLA, but out for a FMLA-like event, the same procedure shall apply when returning to work.*

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**11.2.7 WORKERS' COMPENSATION LEAVE AND TEMPORARY ALTERNATE LIGHT DUTY**

Employees who sustain an occupational injury or illness will be compensated in accordance with the State's Workers' Compensation Act. Employees are expected to follow all the guidelines for Workers' Compensation stated in the City of Madison Employee Safety Manual and as may be required by state law. The following policy and all terms and conditions set forth herein shall be construed and applied in accordance with Alabama's Workers' Compensation Act. The intent of this policy is to neither restrict nor broaden the requirements of the Act.

**First Three Days.** The first three (3) days that an employee is absent from work will be charged as sick leave, except as provided below. If an employee does not have accrued sick leave to cover the absence, the employee will be charged annual leave, and if annual leave is not available, the employee will be charged other leave balances. If no leave is available the employee will be placed in a leave-without-pay status. The employee will also be charged with FMLA Leave if applicable and available.

**Beyond Three Workdays.**

An employee who receives workers' compensation benefits will be placed in a non-pay status for the remainder of his absence, if it exceeds three (3) workdays.

After three days, the employee will be paid by the Municipal Workers' Compensation Fund (MWCF) for the remainder of the days that he/she is out of work based on a 52 week wage statement provided to MWCF by the Human Resources Department within 48 work hours (if practicable) of the date of the injury. If an employee is out of work for more than 21 days, the employee may be reimbursed for the initial three-day waiting period by MWCF. In order to receive such benefits, the employee must promptly provide the appropriate notification and medical reports.

**Temporary Alternate  
Light Duty.**

Temporary alternate light duty assignments may or may not be provided for workers' compensation injuries, depending on the needs and requirements of the Department, the employee, *the treating physician, HR,* and the insurance carrier. At the Department Head's discretion, eligible employees may be assigned to a different shift, location and/or function for temporary light duty.

Temporary light duty assignments may be discontinued at any time at the discretion of the Department Head. Temporary alternate duty is not an employee right, nor does it guarantee permanent continuing employment.

**Coordination  
With FMLA.**

If an employee misses work because of a compensable workplace injury illness for which the employee receives workers' compensation benefits, and if the injury or illness qualifies as a medical leave under the Family Medical Leave Act (FMLA), such leave may be deducted from the employee's 12-week FMLA leave entitlement.

**Benefits  
Continuation and  
Leave Accruals.**

When an employee on Workers' Compensation Leave is compensated by the MWCF, for City payroll purposes, the employee will be considered in "No Pay Status". See Sections 11.2.11 and 11.2.12 concerning accruals and benefits.

**11.2.8 HOLIDAYS**

The following holidays shall be the official holidays for the City of Madison, contingent on City budgeting:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day

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- ❑ Veterans Day
- ❑ Thanksgiving Day
- ❑ Day After Thanksgiving
- ❑ Christmas Day
- ❑ Two Floating Holidays, which may be assigned at the discretion of the Mayor and City Council.

In the event any of the holidays fall on Saturday or Sunday, the City may recognize the previous Friday or the following Monday as the legal holiday. The City Council will specify the dates holidays are to be observed by the City by the end of each calendar year for the next year.

***Eligibility.***

*Regular full-time employees are eligible for holiday pay as provided herein (8-hours for employees scheduled to work an average of 40 hours per week in a work period; see 24-hour shift provision below).*

*Regular part-time employees may be granted holiday pay only for City-authorized paid holidays that fall on days and hours they are regularly scheduled to work (up to 8 hours) unless the employee is scheduled to work at least the same number of hours that they normally work during the holiday week at the discretion of the Department Head or Manager. Part-time employees are not eligible for floating holidays.*

*Temporary service employees will not receive holiday pay.*

*To be eligible to receive holiday pay for an authorized paid holiday, an eligible City employee must be present at work, or on approved leave with pay, on the scheduled days immediately preceding and following the paid holiday or holiday weekend. An employee on scheduled, authorized and compensable leave when the holiday is recognized shall be compensated for the holiday in lieu of the use of accrued leave.*

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**Employees Working  
Designated Holidays.  
(40 Hour Average –  
Employees)**

As many employees as possible will be allowed off on a recognized holiday. However, certain responsibilities and duties cannot be dispensed with to ensure and maintain efficient operation of City government (for example, Dispatchers, Police Officers, etc.). If full-time employees are required to work on a holiday or if they have prior written authorization from their Department Head to work on the holiday, then they shall have such holiday hours deferred and shall be authorized to take said holiday hours off on another day within one (1) year after the holiday worked. If employment is terminated prior to one (1) year after the holiday was worked, the employee may receive holiday pay hours the pay period following the last regular paycheck. The employee shall be authorized one hour for each hour worked on the recognized holiday, not to exceed the value of the holiday.

**Holiday Compensation  
for 24-Hour Shift  
Employees.**

Employees who are normally scheduled to work a special 24-hour shift workweek and are not in no-pay status (except where required by law) will be compensated for holidays as follows:

- a) *The employee will be given the option of receiving either seventeen (17) hours of holiday pay or credit for seventeen (17) hours of holiday time off to be taken, with the approval of the Fire Chief, at any time within one (1) year from the date the time is earned; provided, however, that no more than forty-eight (48) hours of holiday time off may be taken in any consecutive four (4)-week period without the approval of the Fire Chief. No distinction will be made with respect to holiday compensation for those who work on a holiday and those who are off work on a holiday.*
- b) *Holiday time off not taken within one (1) year of the date earned will be forfeited by the employee.*
- c) The employee shall bear the responsibility for making arrangements with the Fire Chief for holiday time off sufficiently in advance to allow the Fire Chief to arrange the Department's schedule.

**Floating Holiday.** If authorized by the City Council, each eligible employee will be entitled to 8-hour floating holiday(s), when they are not preassigned to specific dates by City Council; to be taken in accordance with these guidelines:



- a) The use of floating holiday hours will be approved at the discretion of the employee's Department Head.
- b) Floating holidays must be taken in two (2) hour increments.
- c) Employees will not be granted floating holidays while on no-pay status, except where required by law.
- d) Floating holidays will be forfeited if not used within the fiscal year for which they are allotted and will be forfeited when the employee terminates employment. Floating holidays may not be carried forward from year to year.
- e) The use of floating holidays by Fire Department employees shall be governed by the provisions above for 24-hour shifts. For the purposes of that section, floating holidays will be considered earned at the beginning of each fiscal year.

**11.2.9 LEAVE WITHOUT PAY EXCUSED**

In accordance with Department Policy, an employee who does not have sufficient leave, yet is excused by the Department Head from work temporarily, shall be considered as being on Leave Without Pay Excused. However, an employee WILL NOT be granted Leave Without Pay Excused until the employee has exhausted all applicable leave balances (if it qualifies under the requirements for each leave in the policies and in the increments required).

**11.2.10 ABSENCE WITHOUT PAY UNEXCUSED**

Any employee who, without good cause, fails to report to work (or reports to work late), without the permission of his/her managers or Department Head, shall be considered as on Leave Without Pay Unexcused for all time absent and shall be subject to disciplinary action, up to and including termination, and shall have all such hours absent reported as Leave Without Pay Unexcused.

An employee who fails to report to work without permission of the managers or Department Head for a period of three (3) consecutive workdays shall be considered to have abandoned the job and to have voluntarily resigned from employment without notice.

**11.2.11 NO-PAY STATUS**

The City will make no contributions to the employee's retirement plan while the employee is on no-pay status; and all leave accruals will stop once the employee exhausts leave balances.

**11.2.12 BENEFITS WHILE ON LEAVE OR NO-PAY STATUS**

An eligible employee in No-Pay status (or non-paid leave) shall be required to continue individual contributions that the employee normally pays for benefits, unless continuation of benefits as an active eligible employee is not allowed per the benefit provider. Such eligible employees shall make payment to the City in the form of cash, a personal check, cashiers check or money order, payable to the City of Madison per pay period. However, any continuation of benefit is subject to guidelines and/or requirements of each benefit provider.

**Medical**

**Insurance.** Per the City's medical insurance provider, an eligible employee may retain insurance coverage under the plan during an eligible designated FMLA leave period, provided premiums are paid as required.

Insurance provider requirements or laws may cause eligibility and other requirements to change at any time. See Insurance plan booklets for all other provider requirements.

**AFLAC**

**Insurance.** Due to the fact that the employee's optional AFLAC policies are paid and monitored by the employee and the city offers payroll deduction, when an employee is on No-Pay status or other unpaid leave, and unable to meet payroll deduction requirements for AFLAC, AFLAC will be temporarily suspended, and it will be the responsibility of the employee to reinstate coverage with the AFLAC Representative upon return to work or arrange for payment to the provider while on "No-Pay Status". Payroll deductions will not be reinstated until Human Resources is officially notified of reinstatement of the AFLAC policy.

**11.2.13 DONATION OF LEAVE****Eligibility  
To Request and  
Requirements.**

Donations of sick or annual leave will apply only to conditions that are eligible for use of sick leave as described in Section 11.2.3. However, this policy section does not apply to Workers' Compensation Leave, which is covered in Section 11.2.7. To be eligible, employees:

- 1) Must be a full-time Regular employee.
- 2) Must have NOT exhausted a maximum donation limit of 14 weeks in any 12-month rolling period. (560 hours, or 742 hours for 24-hour shift employees).
- 3) Must have exhausted all their sick leave accruals, and have no more than twenty-four (24) hours remaining in their annual leave account.
- 4) Employees utilizing FMLA must submit a FMLA Medical Certification completed by the treating physician. Employees not qualifying for FMLA must submit the City's Medical Certification form completed by the treating physician.
  - a. *Probationary employees utilizing this program may have their probationary period extended by the amount of leave time taken.*
  - b. *Probationary employees receiving donations, but not eligible for FMLA must submit a medical certification form to HR for recertification at a minimum of every three (3) months.*
- 5) Must submit a Donation Request form within the time period required for each pay period needed.
- 6) Any request must be to accommodate a minimum of three (3) consecutive full days (24 hours for 24-hour shift personnel) in order to qualify.
- 7) Must follow all requirements of the policy and provide any additional information, when requested.

Management employees cannot accept leave donations from subordinates or any employee in which they have influence over their work schedule, assignments or other working conditions.

Eligible employees may submit requests up to **14 weeks of leave in any 12-month rolling period (560 hours, or 742 hours for 24-hour shift employees)**, as long as they continue to meet all other conditions of the policy.

**Donation  
Request Process.**

After completing all required Family Medical Leave paperwork and submitting the Medical Certification form covering the time needed,

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requesting employees must present completed Donation Request Forms to their Department Head (for review) and to Human Resources for each pay period in which they are requesting donated leave, with the employee's consent for the City to communicate to employees a description of the employee's situation.

Timing -- This completed request form must be submitted to the Department Head and Human Resources no later than the 1<sup>st</sup> Monday of the pay period needed. If the employee is able to work on days in which the employee has received donations during any pay period, it is the responsibility of the employee to contact the HR Coordinator as soon as they are aware of the discrepancy (and no later than their last normal workday of the pay period), so an adjustment can be made.

Human Resources may distribute to each Department of the City via email a description of the leave recipient's situation which potential donors may review and will make an effort to send the email by the 1st Thursday of the pay period. Employees should monitor the results of their donation request in advance by contacting the Human Resources Department.

### **Donor Process**

**And Requirements.** Each donor employee shall submit a signed authorization form to Human Resources specifying the number and type of leave hours he/she wishes to donate.

Timing -- All completed and approved donor forms must be received by Human Resources no later than two (2) business days (Monday through Friday) before time cards/entries are due in order to be processed.

Consistent with Policy section 11.2.3, late donations will NOT be made retroactively. Late or larger than needed donation submissions may be credited to the next pay period, only if they are still needed and all other conditions of this policy are met.

Human Resources will only transfer a number of leave hours to be donated, which would bring the employee's sick leave account to the number of hours needed each pay period; not to exceed the number of days specified on the medical certification for the employee. Human Resources will forward the approved donated leave forms to Payroll.

Employees may donate sick leave in one (1)-hour increments up to a maximum of fifty percent (50%) of the amount by which their accrued balance of sick leave exceeds eighty (80) hours. The transfer of donated

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leave hours to a recipient employee's account is irreversible, and unused leave hours shall not be restored to the donor's leave account.

**Transfer of Leave****Timing**

Leave balance transfers will normally not be made until the date time card/entries are due, in order to allow time for receipt of donor forms and verification. Therefore, timekeepers may have to delay leave entries into the timekeeping system for employees needing donations.