

The following Ordinance was introduced at the November 27, 2017 Council Meeting. Council Member Pate made a motion to approve, which was seconded by Council Member Farrell.



## **ORDINANCE 180108-055**

### **SUMMARY: AN ADMINISTRATIVE ORDINANCE TO AMEND SECTIONS 8.4 THROUGH 8.7 OF THE EMPLOYEE HANDBOOK PERTAINING TO EMPLOYEE LEAVE BENEFITS**

**THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED** by the City Council (the "Council") of the City of Alabaster, Alabama (the "City"), as follows:

**WHEREAS**, Ordinance 14-013 established Sections 8.4 through 8.7 of the Employee Handbook relating to leave benefits for employees,

**WHEREAS**, the City wishes to amend Sections 8.4 through 8.7 of the Employee Handbook,

**WHEREAS**, Ordinance 14-013 Section 4 requires changes to the above sections of the Employee Handbook to be posted and disseminated to all employees of the City at least thirty days prior to the adoption of the changes, and a public hearing be had thereon, and requiring an affirmative vote of seventy percent of council members then elected and sitting.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS FOLLOWS:** The policy for the for annual leave, sick leave, donated sick leave, and bereavement leave shall be amended as follows and included in the Employee Handbook:

#### **8.4 ANNUAL LEAVE (VACATION)**

For employees having an established 40-hour work week (2080 annual hours) accrual of annual leave will be as follows:

|                            |   |
|----------------------------|---|
| Years 0 – 5 of service     | a maximum of 91 hours per year earned at the rate of 3.5 hours per bi-weekly pay period     |
| 6 – 10 years of service    | a maximum of 130 hours per year earned at the rate of 5 hours per bi-weekly pay period      |
| 11 – employment separation | a maximum of 162.5 hours per year earned at the rate of 6.25 hours per bi-weekly pay period |

For Police personnel having an established 14-day, 84-hour work period (2,184 annual hours) accrual of annual leave will be as follows:

|                            |   |
|----------------------------|---|
| Years 0 – 5 of service     | a maximum of 97.5 hours per year earned at the rate of 3.75 hours per bi-weekly pay period  |
| 6 – 10 years of service    | a maximum of 136.5 hours per year earned at the rate of 5.25 hours per bi-weekly pay period |
| 11 – employment separation | a maximum of 169.0 hours per year earned at the rate of 6.5 hours per bi-weekly pay period  |

For fire suppression personnel having an established 28-day, 212-hour work period (2,756 annual hours) accrual of annual leave will be as follows:

|                            |   |
|----------------------------|---|
| Years 0 – 5 of service     | a maximum of 121 hours per year earned at the rate of 4.65 hours per bi-weekly pay period |
| 6 – 10 years of service    | a maximum of 172 hours per year earned at the rate of 6.61 hours per bi-weekly pay period |
| 11 – employment separation | a maximum of 216 hours per year earned at the rate of 8.31 hours per bi-weekly pay period |

Eligible employees will be credited with annual leave as it is earned. However, an employee is entitled to use annual leave only after being currently employed for a period of ninety (90) calendar days without a break in service, unless otherwise approved by the Mayor or City Manager.

Leave time shall not accrue while in a non-pay status for any portion of the pay period. Supervisors and employees have a mutual obligation to plan and schedule leave. Consequently, if annual leave must be denied or previously approved leave canceled, an alternative period of time should be scheduled.

Annual leave shall be used in a minimum of one (1) hour increments, as approved by employee's supervisor.

Employees may accrue and carry forward to the next calendar year a certain number of hours of annual leave, to be used at the discretion of the employee and the convenience of the City. Any leave in excess of these amounts must be used by December 31<sup>st</sup> or be transferred into the employee's sick leave balance.

The following is the carry forward of annual leave available to Regular, Full-Time employees, after 90 calendar days of employment, based on position:

- Employees having an established 40-hour work week can carryover 240 hours of annual leave.
- Police personnel having an established 14-day, 86-hour work period can carryover 252 hours of annual leave.
- Fire suppression personnel having an established 28-day, 212-hour work period can carryover 320 hours of annual leave.

Upon termination of employment, employees shall receive compensation for accrued annual leave subject to the maximum carryover amounts.

## **8.5 SICK LEAVE**

The City of Alabaster provides sick leave for its employees. Such leave shall not be considered a right, but, rather, a privilege. This sick leave benefit is to provide some measure of financial assistance to employees in the event of illness of the employee or the employee's immediate family. Proper notice should be given to the employee's supervisor. At a minimum, proper notice is verbal notice received by the employee's supervisor at least one hour prior to the time the employee is scheduled to begin work. It is expected and preferred for the employee to notify supervisor as soon as reasonably possible to schedule non-emergency sick leave. Sick Leave is available **only** under the following circumstances:

1. When an employee is suffering from a condition, such as but not limited to pregnancy, sickness, or illness, that prevents the performance of the employee's usual job functions.
2. When an employee requires medical, dental, psychological or optical consultation or treatment; or
3. When an employee's immediate family member is suffering from any condition related to pregnancy, illness or injury and requires the employee's attention; or
4. When an employee's immediate family member requires medical, dental, psychological or optical consultation or treatment whenever the employee must accompany that family member to the appointment; or

5. An employee can use accrued sick time for the care or support of a newborn or adopted child, subject to FMLA guidelines; and
6. Sick leave can also be used in accordance with Section 8.7 (Bereavement Policy).

Sick leave is not available for any other purpose. For purposes of using sick leave, "immediate family" shall mean present spouse, children (including natural, step and adoptive), parents, step-parents, in loco parentis, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes. In the City's sole discretion, it may require a written doctor's excuse before approving sick leave or authorizing payment for any sick leave.

The following is the sick leave schedule available to Regular, Full-Time employees based on position:

- Employees having an established 40-hour work week will accrue 8 hours of sick leave per calendar month.
- Police personnel having an established 14-day, 86-hour work period will accrue 8.5 hours of sick leave per calendar month.
- Fire suppression personnel having an established 28-day, 212-hour work period will accrue 11 hours of sick leave per calendar month.

Accrued sick leave becomes available for use for eligible employees after 90 calendar days of employment. There shall be no maximum amount of sick leave an employee may accrue. At a minimum, sick leave may be used in quarter hour (.25) increments as approved by the employee's supervisor.

An employee must be in a paid status with the City for at least 50% of the month in order to accrue sick leave for that month. Illness during vacation is considered vacation and not sick time.

An employee shall be subject to disciplinary action if he/she engages in outside employment at any time within a calendar day during which sick leave is claimed.

All sick leave will be forfeited upon separation or termination of employment with the exception that eligible employees under Tier I of the State of Alabama Retirement System may convert up to 300 8-hour days (2,400 hours) of sick leave to retirement credit in accordance with the Code of Alabama Section 35-26-36.1 and City of Alabaster Resolution 090611-F. Under state law, the conversion of accrued sick leave into creditable service is not available to Tier II members.

#### **8.6 SICK TIME DONATION POLICY**

It is the intent of the City to provide a bona fide employer-sponsored medical leave sharing arrangement allowing eligible employees to donate accrued sick leave to employees who are eligible to receive such leave for medical emergencies. Donated leave can only be used for a medical emergency, defined as a serious health condition of the employee or the employee's spouse, parent, or child, that will require a prolonged absence, resulting in a substantial loss of income to the employee. For purposes of the City's donated sick leave program, a medical emergency shall include a serious health condition as defined by the Family and Medical Leave Act. The threshold for "a substantial loss of income" shall include any absence or expected absence without available paid leave for at least 40 work hours.

To be eligible to receive donated sick leave, an employee must:

1. Be a full-time employee with 12 months of continuous service,
2. Exhaust all available paid leave, and
3. Be absent or expect to be absent for a medical emergency without available paid leave for at least 40 continuous work hours.

An employee in need of donated leave may submit a request form to the Personnel Director. The request must include a doctor's statement explaining the nature of the illness and the anticipated date for returning to work, provided this information has not already been received. Requests for donated leave must be approved by the Department Head and Personnel Director.

If approved, the Personnel Director will send a request to all City departments asking for sick leave donations. Such request will not include identifying information or protected health information. Employees wishing to donate must complete a sick leave donation form and submit it to the Personnel Director. The employee receiving the sick time donation is eligible to receive a (total lifetime) donation of up to a maximum of 480 hours.

An employee may donate any number of sick time hours, not to exceed a total lifetime donation of 480 hours, as long as the donating employee maintains at least 160 hours of accrued sick time in his or her personal account. An employee may not donate more than 80 hours for any one leave request. Names of donors will not be shared.

Leave donations will be used in the order received and will be transferred to the recipient's sick leave bank as needed on an hour-for-hour basis without consideration of individual City wages. Any donations not used for the medical emergency will be returned to the donating employee.

Employees under Tier I of the Retirement Systems of Alabama are reminded that unused sick time may be applied toward creditable service for retirement purposes. Employees should consider the financial impact of losing retirement system creditable service before donating their sick time to another employee. Once donated leave has been used by the recipient, it cannot be transferred back to the donor for any reason including retirement.

#### 8.7 BEREAVEMENT POLICY

Bereavement paid leave is provided to employees in order that they may be with the family of the deceased during the immediate period following a death. All eligible employees shall be entitled to bereavement leave with pay for twenty-four (24) work hours after a death of an immediate family member. For the purpose of using bereavement leave, "immediate family" shall include present spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes. Such bereavement paid leave shall not be charged against the employee's accrued sick leave or annual leave. An eligible employee may use an additional twenty-four (24) hours of accrued sick leave, if available, or, if approved by their supervisor, annual leave, should more time be necessary.

In all other instances of bereavement, including the death of close friends, an employee may use annual leave, if available, as approved by the employee's supervisor.

An employee who is notified during his/her shift of a death in the family may leave early and count the partial day missed as the first day of paid bereavement leave or take accrued leave for the remainder of the partial day and bereavement leave for the next twenty-four (24) scheduled work hours.

**ADOPTED AND APPROVED THIS 8<sup>th</sup> DAY OF JANUARY 2018.**

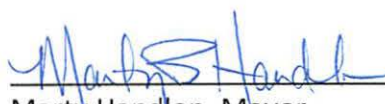
ATTEST:

  
\_\_\_\_\_  
Brian Binzer, City Manager/Clerk

CITY OF ALABASTER

By:   
\_\_\_\_\_  
Scott Brakefield, Council President

APPROVED:

  
\_\_\_\_\_  
Marty Handlon, Mayor