

RESOLUTION NO. 16-59

A RESOLUTION OF THE DRAPER CITY COUNCIL AMENDING THE PERSONNEL POLICY MANUAL TO CLARIFY HOW EXEMPT EMPLOYEES REPORT THE USE OF ANNUAL LEAVE AND SICK LEAVE

WHEREAS, The City Council, from time to time, reviews and adopts policies and procedures to assist in the efficient utilization of scarce City resources and the fair and uniform application of requirements and benefits to City employees; and

WHEREAS, The City Council has reviewed Section 8020 and Section 8080 and has determined a need clarify the policy regarding how exempt employees report the use of annual leave and sick leave; and

WHEREAS, The City Council believes this amendment is in the best interest of the employees of Draper City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. The Draper City Council does hereby adopt the amendment to Section 3020 as attached hereto as Exhibit "A".

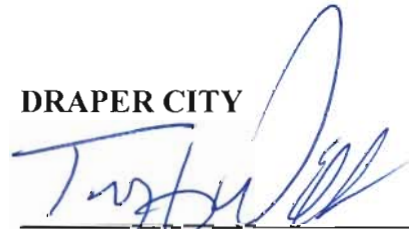
Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS THE 18TH DAY OF OCTOBER, 2016.



DRAPER CITY



Mayor Troy K. Walker

ATTEST:



Rachelle Conner, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Rappleye

✓
✓

Councilmember Stenquist

✓

Councilmember Summerhays

✓

Councilmember Vawdrey

✓

Councilmember Weeks

✓

Mayor Walker

EXHIBIT "A"

Section 8020 - ANNUAL LEAVE

General Policy Statement:

An employee may use annual leave and compensatory time for vacations, rest and relaxation, and personal business or emergencies. An employee has the right to take annual leave and compensatory time subject to the approval of the Department Head to schedule the time when leave may be taken. An employee will receive a lump-sum payment for accumulated and accrued leave when he or she separates from the City.

For the purposes of this section, seniority shall be measured from the first effective date of employment with the City in any permanent position.

Guidelines:

1. Annual Leave Eligibility. Employees are eligible to use paid annual leave if they:
 - A) Have completed 45 days of employment;
 - B) Are Full Time Employees;
 - C) Have accrued annual leave available; and
 - D) Have Department Head approval.

Part-time and temporary employees are not eligible for paid annual leave time off, but may take compensatory time or leave with out pay (LWOP) as approved by their Department Heads. In limited circumstances, pre-authorized absences without pay may also be granted to full-time employees who have no accrued leave available. Any LWOP exceeding one (1) month shall require City Manager approval.

2. Annual Leave Accrual.
 - A) All salaried and hourly employees who work a regular forty (40) hour workweek shall be entitled to annual leave with pay to be accrued in accordance with his or her tenure of employment at the following rate:
 - (i) 5 years or Less – 3.08 hrs of leave per pay period worked (10 days per year)
 - (ii) More than 5 years but less than 10 years – 4.62 hrs of leave per pay period worked (15 days per calendar year)
 - (iii) 10 years and beyond – 1 day of accrued leave per additional year of service to a maximum of 20 accrued annual leave days per year.Employees whose annual leave accrual rate at the time of adoption of this standard is in excess of the above schedule will continue at their pre-existing accrual rate.
 - B) Based on Actual Time Worked. Annual leave accrual is based on hours worked and length of employee service. Annual leave days may not be taken until they are accrued. Annual leave does not accrue during:
 - (i) Unpaid leaves of absence;
 - (ii) Workers compensation or other disability leaves; or
 - (iii) Layoffs.
 3. Scheduling Annual Leave. Employees may schedule annual leave days as soon as they are accrued and they are eligible. With the City's needs in mind, every effort will be made to grant employee requested annual leave dates.
 - A) Advance Requests. Leave time should be requested as much in advance as possible. If conflict exists in scheduling time off within the same department priority will be given to the first advance request submitted. If requests are submitted at the same time, seniority will determine which employee is granted annual leave.
 - B) Department Head Approval. Annual leave requests are subject to Department Head approval based upon operating requirements, staffing considerations, and business necessity.
 4. Holidays during Annual Leave Time. A City holiday that occurs during scheduled annual leave time will not be counted as annual leave time day.

5. Leaves. Employees on a leave of absence (other than military leaves or as prohibited by law) are required to use all earned annual leave before LWOP may be used or granted. Accrued annual leave for employees will be charged for both partial and whole day absences.
6. Corrective Action. Employees who abuse annual leave policies or exceed their annual leave accruals may be subject to corrective action, up to and including termination. Employees who have used their accrued annual leave will be granted excused absences without pay only in emergencies, unusual situations, or as required by law.
7. Compensation. Annual leave pay is calculated using an employee's base rate of pay at the time of absence.
8. Donation of Vacation Time. In the case of an employee's serious illness, City employees with an accrued annual leave balance in excess of 80 hours may give annual leave hours to a seriously ill employee. Annual leave hours will be deducted from an employees account and added to the seriously ill employee's sick leave. The City Manager must approve a transfer of annual leave hours. Donations may not exceed 160 hours total for the seriously ill employee.
9. Leave Carryover. The maximum carryover of annual leave into the next calendar year is determined by the employee's current accrual rate plus forty (40) hours. If the Supervisor determines that work priorities will not allow the employee to use his or her carryover of annual leave prior to the end of the calendar year, the period may be extended but not longer than 60 days after the end of the calendar year.
10. Exempt employees. Annual leave taken by exempt employees will be charged in minimum units of one half day of work (four hours). Full day absences will be reported as eight hours. Absences of less than four hours will not be counted against an exempt employee's leave balance. Absences of more than four hours will require substitution of four hours of annual leave. Annual leave must still be approved by the employee's supervisor prior to being used.

Section 8080 - SICK LEAVE

General Policy Statement:

Sick leave is insurance protection provided by the City to protect the employee and his/her family from loss of income during illness. It is not intended to serve as a substitute for other types of leaves. Abuse of sick leave will result in corrective action up to and including termination.

Guidelines:

1. Sick Leave Eligibility. Employees are eligible for paid sick leave if:
 - A) They work at least forty (40) hours per week;
 - B) They have accrued hours of sick leave to cover the absence; and
 - C) The sick leave is authorized by their Department Head.

Employee illness or accident covered by Workers' Compensation are not eligible for paid sick leave, but may take unpaid absences as approved by their Department Head. Authorized absences without pay may also be granted to full-time employees who have no accrued leave available.

2. Rate of Accrual. Sick leave will accrue at the rate of 3.69 hours of sick leave pay period (12 days per year). Unused sick leave balances at the end of the calendar year will be carried over to succeeding years in an unlimited amount.
 - A) Sick leave may be used for reasons of personal sickness or disability. Sick leave used beyond any 3 day period will require a physician's verification. Unverified sickness will be charged to annual leave or leave without pay.
 - B) Up to 3 days of sick leave may be used by the employee in any 1 calendar year in order to care for a spouse or for a child. Physician verification may be required for any sick leave under this provision. Abuse of this provision will result in corrective action up to and including termination.
 - (i) Department Heads may require anyone who is sick or becomes sick on the job to stay at home or at some other approved location.
 - (ii) No compensation for unused sick leave shall be given to an employee who terminates or is separated from employment.

(iii) After an employee has accumulated 1440 hours of sick leave the employee may convert one-half of future sick leave accruals to annual leave up to a maximum of twenty-six (26) days of annual leave.

3. Exempt employees. Sick leave taken by exempt employees will be charged in minimum units of one half day of work (four hours). Full day absences will be reported as eight hours. Absences of less than four hours will not be counted against an exempt employee's leave balance. Absences of more than four hours will require substitution of four hours of sick leave. There is an exception for exempt employees on approved Family and Medical Leave who may use sick leave on an hourly basis for intermittent leave or reduced schedules. Sick leave must still be approved by the employee's supervisor prior to being used.