

**PERSONNEL POLICIES AND GUIDELINES
CITY OF CLAY CENTER, KANSAS**

ARTICLE E. ATTENDANCE AND LEAVE

E-1. Hours of Work.

- (a) *General Employees.* The normal work week for General Employees, which includes all Employees other than police officers and firefighters, shall be 40 hours, in a seven day period. Full-time personnel employed in departments operating on a 24-hours basis, other than police officers and firefighters, shall work not fewer than eight hours per day, five days per week, on a schedule to be assigned by the Department Head.
- (b) *Police Officers.* The normal work week for full-time police officers shall average 43 hours.
- (c) *Firefighters.* The normal work week for full-time firefighters shall average 53 hours.
- (d) *Normal Work Hours.* No Employee shall be permitted to work in excess of their normal work week except when so directed by the Employee's Department Head.

E-2. Rest Breaks. The City will make every effort to provide Employees a rest break of 15 minutes for each four hours of work. The time of the rest break, usually mid-morning and mid-afternoon, shall be determined by the Employee's immediate Supervisor.

E-3. Holidays.

- (a) The following days shall be paid holidays for full-time City Employees:

- New Year's Day - January 1
- Presidents Day
- Memorial Day - last Monday in May
- Independence Day - July 4
- Labor Day - first Monday in September
- Veterans' Day - November 11
- Thanksgiving Day - fourth Thursday in November and the following Friday
- Christmas Day - December 25

From time-to-time, and for certain special occasions, the Mayor may designate other days a special holidays on a one-time basis.

- (b) When New Year's Day, Independence Day, Veterans' Day or Christmas falls on a Saturday or Sunday, the preceding Friday or following Monday may be declared a holiday by the Mayor for other than police officers and firefighters.
- (c) Seasonal and temporary Employees shall not receive paid holidays. Part-time regular Employees receive one-half day's pay for each holiday, after completing 1,000 hours of employment with the City.
- (d) To be eligible to receive pay for a City holiday, an Employee must not have been absent, without leave, either on the workday before or the workday after the holiday.

E-4. Vacation Leave. Vacation leave shall be earned beginning with the date of employment under the conditions hereinafter stated. An Employee who works fewer than 12 days in any month shall not accrue vacation credit for such month of service; provided, that this restriction of 12 days shall not apply where the Employee has worked fewer than 12 days to due to authorized vacation or sick leave. No Employee shall be permitted to use vacation time for any period spent on unauthorized leave. The Police Department and Fire Department and other City departments that operate more than one shift per work day will interpret this policy differently, a day will be defined by the number of hours each department considers a "work day," but will implement such so that the spirit of the City's vacation policy is maintained. Please refer to the individual department standard operating procedure for specific information.

- (a) *Full-Time Employees.* Full-time Employees will earn paid vacation leave time according to the following schedule; provided, no paid vacation leave time may be taken prior to the first anniversary date of employment.

| Years of Continuous Employment | |
|--------------------------------|---------|
| 0 to 10 | Over 10 |

Days Earned Per Month

1 day 1.5 days

Maximum Days Accumulation

12 days 18 days

Maximum Days for One Time Leave

12 days 18 days

- (b) *Other Employees.* Part-time Employees receive one-half of the vacation leave for full-time Employees. Seasonal and temporary Employees shall not earn vacation leave.
- (c) *Training Period.* All Employees are subject to a training period. For police officers, the training period is one year. For all other Employees, the training period is six months. Employees-in-training, during their initial employment shall be credited with vacation leave for each month of employment but shall not be permitted to use any vacation credit prior to the completion of their first 12 months of employment. Training Employees terminated prior to attaining full-time status shall not be paid for any accrued vacation leave.
- (d) *Scheduling.* The dates for the taking of vacation leave shall be scheduled in consultation with the Employee's Supervisor and Department Head. In cases where the requested vacation schedules of two or more Employees would adversely affect the efficient operation of the City, vacation leave shall be granted at the discretion of the Supervisor.
- (e) *Holiday During Vacation.* City holidays which occur during the taking of an Employee's authorized vacation leave, other than police officers and firefighters, will not be counted as a day of vacation.
- (f) *Minimum Hours.* Employees, other than police officers and firefighters, may use vacation leave in units of not less than one-half day, subject to the approval of their Supervisor.
- (g) *Accrued Vacation.* Employees with unused vacation time remaining at the end of the calendar year may roll over no more than five (5) vacation days to the next calendar year. Vacation days rolled over will not accumulate when unused, and will never add up to more than five (5) days.
- (h) *Termination.* Upon termination, an Employee shall be compensated for all earned, but unused vacation leave, at their final rate of pay, subject to the maximum hours of accumulation authorized in the schedule in Section E-4(a).

E-5. Sick Leave. Full-time Employees will earn sick leave with pay for absences resulting from illness, injuries, accidents or other physical incapacity, occurring either on or off the job. Beginning January 1, 2009, accrued sick leave may also be used for immediate family leave, with pay, such as in the event of the illness of a spouse, children or parents of the employee. No Employee shall be permitted to use sick leave for any period spent on unauthorized leave. Full-time Employees are entitled to sick leave with pay for physical examinations and dental work if they have provided at least one days' notice to their immediate Supervisor.

- (a) *Amount of Sick Leave.* Full-time Employees shall earn 1 day of sick leave for each full month of service. Part-time regular Employees shall earn one-half day of sick leave for each full month of service, after working 1,000 hours for the City.
- (b) *Accumulation of Sick Leave.* No Employee may accrue more than 120 days of sick leave.
- (c) *Computing Sick Leave.* Any absence for a fraction or part of a day which is chargeable to sick leave shall be charged in increments of not less than one-half day unless authorized otherwise by the Department Head.
- (d) *Doctor's Certificate.* For sick leave in excess of two work days, a Department Head may require a signed statement from a health care provider verifying the Employee's inability perform his or her assigned duties because of illness.
- (e) *Notification.* To be eligible for paid sick leave, an Employee, or his or her representative, shall notify his or her immediate Supervisor and give the reason for the absence as soon as possible or no later than four hours after the beginning of the first workday for which sick leave is taken.
- (f) *Termination of Employment.* An Employee shall not be paid for any unused sick leave upon termination of his or her employment with the City.

E-6. Voluntary Shared Sick Leave. The City of Clay Center recognizes that employees may have personal or family medical emergencies that cause a severe impact, resulting in a need for time off in excess of their available sick leave. To address this need, all eligible City employees will be allowed to voluntarily donate sick leave from their unused balance to other eligible employees in need, as outlined herein.

- (a) All employees who are eligible to earn sick leave may participate in the shared sick leave program, as recipient or donor.
- (b) Donor employees must have at least 30 months of continuous employment, having accrued at least 30 days of sick leave.
- (c) Employees applying for shared sick leave must have a situation that meets the following criteria:
 - (1) Recipient must have depleted, all of his or her own accrued sick leave, personal leave and vacation leave.
 - (2) The employee qualifies for FMLA leave due to the employee's or immediate family member's qualifying illness or injury. Exceptions may be granted upon Council approval.
 - (3) The employee has abided by the City's other policies, including vacation leave, sick leave, leave of absence and attendance policies.
 - (4) The employee is not eligible for workers' compensation time loss benefits.
- (d) Donors cannot donate more than 10% of their accrued sick leave.
- (e) Sick leave may only be donated in one-half day or full day increments.
- (f) Recipient's total sick leave time must not exceed 120 days, including their own accrued sick leave.
- (g) Any sick leave unused by a recipient shall be returned to the donor(s) on a pro-rata basis. A fraction of one hour shall not be returned to an individual donor. If sick leave cannot be returned to the original donor due to circumstances such as the donor is no longer an employee, the sick leave will be voided.
- (h) Employees must complete shared sick leave form.
- (i) This policy shall be applied consistently and equitably.

E-7. Maternity Leave. An Employee who becomes pregnant may claim and receive maternity leave in the same manner as provided for sick leave; provided, however, that the Employee may elect to utilize any accrued vacation leave if, and to the extent, such leave is available. An Employee may also take leave without pay in the same manner as any other Employee on leave without pay status. Maternity leave, with or without pay, following termination of the pregnancy, shall not exceed a total of 42 calendar days. If medical complications related to the pregnancy exist, the Employee may, with the approval of the Department Head, remain on maternity leave until released by the Employee's physician. See also M-2 below on reproductive health.

E-8. Injury Leave.

- (a) All injuries occurring, on the job, shall be reported as soon as possible to the Employee's immediate Supervisor.
- (b) Any Employee injured on the job shall be eligible to use any sick leave or vacation accumulated by that Employee during the seven-day waiting period for workers' compensation claims.

E-9. Military Leave. Military duty means training and service performed, by an inductee or enlistee, in the armed forces of the United States, including time spent in reporting for and returning from such training and service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard.

- (a) *Eligibility.* Any Employee who terminates City service for military duty shall be placed on military leave without pay. Such leave shall extend through 30 days after his or her release from City service. If not accepted for military duty, the Employee shall be reinstated to his or her present position without loss of status or reduction in pay. (See K.S.A. 73-213 et seq.)
- (b) *Restoration.* An Employee returning from military leave shall be entitled to restoration of his or her former position or a position of like pay and responsibility, provided her or she makes application for reinstatement within 30 days after his or her release from military duty. In addition, the former Employee must be physically and mentally capable of performing the duties of the position involved.
- (c) *Vacation and Sick Leave.* Upon restoration to City service, all unused vacation and sick leave credits accumulated prior to the military leave shall be restored unless the Employee had been paid for unused vacation leave at the time of his or her induction or enlistment.
- (d) *Military Training.* Any Employee who is a member of any reserve component of the United States Armed Forces or the National Guard shall be granted military leave, without pay for a short tour of active duty or field training encampment not to exceed two weeks. Vacation leave with pay may be taken jointly with such military training leave. (See K.S.A. 48-222).

E-10. Civil Leave.

- (a) *Civil Leave With Pay.* An Employee shall be given necessary time off with pay (1) when performing jury duty, (2) when appearing in Court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the City, (3) when performing emergency civilian duty in connection with national defense or (4) for the purpose of voting when the polls are not open at least two hours before or after the Employee's scheduled hours of work.
- (b) *Civil Leave Without Pay.* If an Employee is involved in a personal lawsuit either as plaintiff or as defendant in a action not related to his or her duties with the City, the Employee may take leave, without pay, unless he or she elects to utilize any accumulated vacation leave.

E-11. Other Leave.

- (a) *Meetings, Seminars.* Any Employee may be granted leave with pay to attend meetings, seminars and conventions related to the Employee's work for the City when such attendance is authorized by the Employee's Department Head and committee of the Governing Body. If training is mandatory, overtime will be paid for hours in excess of 40 in a seven day period. If the training is not mandatory, overtime will not be paid.
- (b) *Leave of Absence.* An Employee, upon written request, and with the recommendation of his or her Department Head, may be granted a leave of absence without pay, for a period of up to one year, subject to the approval of the Governing Body.

E-12. Family and Medical Leave.

- (a) Upon request, any Employee will be granted up to 12 weeks of unpaid family and medical leave during any 12 month period. Such leave will be available as the result of the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to the disabling illness of the Employee. Where possible, Employees are required to provide at least 30 days notice before beginning to take leave. An Employee may choose or the Employer may require that any accrued paid vacation, sick or personal leave of the Employee be substituted for the 12 weeks of leave provided under this law.
- (b) *Eligibility.* An employee must have worked for the city at least 12 months and for a minimum of 1,250 hours during the previous year. Where a husband and wife work for the city, the total number of weeks leave to which both are entitled will be limited to 12 weeks during any 12 month period. Where leave is requested as a result of a serious health condition, the employee will provide the city a certification statement issued by a health care provider. Should there be a question of validity of the certification provided by the employee, the city may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the city may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and employer.

1. *Restoration.* An employee returning from family leave will be entitled to return to their position or to a

position with equivalent benefits, pay and other terms and conditions of employment.

2. *Vacation and Sick Leave.* Employees on family leave will not accrue any seniority, vacation or sick leave benefits.

3. *Health Insurance Coverage.* The city will continue to provide health care coverage under the same provisions as prior to the leave. Where the employee fails to return from leave, the city can recover the premium(s) that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control the employee will not be liable for health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.

E-13. Request for Leave. Except as provided in Section E-5 (e) as to sick leave, all leave must be authorized in writing by the employee's department head prior to leave time being taken. A copy of each leave record, including records of sick leave taken, signed by the employee and department head, shall be maintained in the employee's personnel file.

E-14. Credits for Paid Leave. An employee while on paid sick leave, vacation leave or other leave with pay shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.