

**CITY OF PLANO POLICIES AND PROCEDURES**

210.000

**Department Name:** Human Resources Manual

**Procedure:** Leave

**Effective Date:** 11/01/96

**Revision Date(s):** 08/15/01, 1/01/03, 05/01/04, 04/01/06, 01/01/07, 04/01/08, 10/01/08, 01/01/09, 10/01/09, 01/01/10, 07/01/10, 04/01/11, 07/01/12

**I. Purpose**

To provide a uniform leave benefit policy.

**II. Policies and Procedures**

This procedure describes the methods used by the City of Plano to provide uniform leave benefits. The procedure covers vacations, sick leave, holidays, military leave, bereavement leave, jury/court duty, administrative leave, unauthorized leave, family and medical leave and inclement weather absences.

**A. Vacation**

Regular full-time employees, except fire department civil service shift personnel, earn vacation leave as follows:

Years of Service	Monthly Accrual
1-10 years	10 hours
11-19 years	12 hours
20 years and over	16 hours

Part-time employees are not eligible for vacation leave. Fire department civil service shift personnel earn vacation leave as follows:

Years of Service	Monthly Accrual
1-10 years	15 hours
11-19 years	18 hours
20 years and over	24 hours

Vacation leave accrues from the hire date.

To accrue vacation for the month, the employee must be hired on or before the 15th day of the month and be in pay status for at least half the month.

Vacation leave may be taken after 180 days (six months) of regular employment.

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Earned vacation leave may be used as follows, with supervisory approval:

1. Usage

Employees are required to use 40 hours of vacation leave each calendar year. Fire department civil service shift personnel are required to use 60 hours of vacation leave each calendar year. Hours paid through the Vacation Buy Back Program (see item 7 below) count toward this requirement. Employees not using the required amount of vacation leave by the end of the calendar year will forfeit the amount of time necessary to equal 40 hours (60 hours for fire department civil service shift personnel). A newly hired employee is exempt from this requirement during the calendar year in which s/he is hired.

2. Maximum accrual and Vacation Leave carry over

Employees may carry over a maximum of four hundred eighty (480) hours (720 hours fire department shift personnel) of accrued vacation leave hours from one year to the next calendar. Any vacation hours in excess of 480 (720 fire department shift personnel) as of January 1 of the following year will be forfeited.

3. Scheduling

Departments will schedule and approve leave based on their customers' needs, departmental operations and employees' interests. The following requirements apply:

- a. Vacation leave may be taken in fifteen-minute increments.
- b. Vacation leave shall not be advanced.
- c. Vacation leave shall not be transferred from one employee to another.

4. Transfers, Promotions and Demotions

Transferred, promoted or demoted employees shall retain accrued vacation leave.

5. Separation/Termination

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Employees who have separated their employment with the City and who have completed at least five (5) years of employment will be paid for up to 480 hours (fire department civil service shift personnel may be paid for up to 720 hours) of accrued vacation leave.

6. Rehire

Non-civil service employees and Fire Department civil service employees who separate from the City and are rehired shall not be eligible to use past service for determining accrual rates.

7. Vacation Buy Back Program

Full-time employees may elect to buy back up to 40 hours per year of future vacation accruals in lieu of taking vacation leave. (Fire department civil service shift employees may buy back up to 60 hours annually.) To participate, employees must make an irrevocable election to buy back a specified number of vacation hours during the month of December for payment to occur in the following year. This election is irrevocable and cannot be changed once election has been made. An election will be deemed final on December 31<sup>st</sup> of the election year. The employee cannot convert the "buy back" hours for vacation use at a later time.

In December of each year, the Human Resources Department will send a notice reminding employees about the program and election deadline. Employees must specify the number of hours they wish to buy back by submitting a completed Election Form through PeopleSoft no later than the specified deadline. Eligible employees may buy back 8, 16, 24, 32, or 40 hours of future vacation accruals. (Fire department shift personnel may request up to 60 hours in 12-hour increments.)

Any eligible employee failing to make their election by December 31<sup>st</sup> will be deemed to have elected not to participate in Vacation Buy Back Program for the following year.

The elected hours will be deducted from the employees' future vacation accruals during the months of January through April following the year in which the irrevocable election is made. The Accounting Department will place the employee's buy-back hours in a "buy-back bank" and will not reflect these hours in the participating employee's regular vacation accrual balance. Absent extenuating circumstances, payment will occur in October of the year following the year when election is made.

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Participants in the Vacation Buy Back program terminating employment prior to receiving pay for their buy back hours will, upon termination, be paid for their hours placed in the bank by the Accounting Department.

8. Full-Time to Part-Time

Employees transferring from regular full-time to a part time position will be paid for their accrued vacation and sick leave up to the stated maximum allowed upon vacating their regular full time position. .

B. Sick Leave

1. Full-Time Employees

All regular full-time employees, except fire department civil service shift personnel, earn 10 hours of sick leave per month. Fire department civil service shift personnel earn 15 hours of sick leave per month.

To accrue sick leave for the month, the employee must be hired on or before the 15th day of the month and be in pay status for at least half the month.

2. Part-Time Employees

Part-time employees do not accrue sick leave.

3. Accumulation

Accumulation of sick leave is unlimited.

4. Usage

Sick leave may be used in fifteen-minute increments and may be used for personal illness and injury or routine health care appointments that cannot reasonably be scheduled outside work hours.

5. Care of Family Members

To assist eligible family members, employees may take accrued sick leave. This assistance will include care for a family member's illness, disability or health appointment. For the purpose of using sick leave, an eligible family member shall be the employee's child, stepchild, parent, stepparent or spouse. A child is defined as a biological, adopted or

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foster child, stepchild, child of an employee who is standing in *loco parentis*<sup>1</sup> or legal ward of the employee. The child must be under 18 years of age, or 18 years of age or older but incapable of self-care because of a mental or physical disability.

Leave for eligible family members will not exceed six weeks annually.

When taking leave for a Family and Medical Leave (FML) qualifying event, the employee's accrued leave will be debited for the leave taken (refer to Procedure 212, Family and Medical Leave).

6. Proof of Illness May Be Required

Department heads or their designee may require satisfactory proof of illness at any time the employee is away from the office using sick leave. The department head may also require a statement from the attending physician of the need for an employee to remain at home to attend to a sick child, spouse or parent. A department head may disallow use of sick leave in the absence of satisfactory proof of need.

A department head may require the employee to furnish a statement from the attending physician confirming the employee's ability to resume his/her job duties before permitting the employee to return to work.

7. Illness While on Vacation

Employees who become ill or are injured during vacation may request that the vacation be terminated and the illness or injury time be converted to sick leave.

8. Non-Civil Service Employees Separation/Termination Pay

Non-civil service employees will be eligible to receive pay for unused sick leave upon termination as follows:

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<sup>1</sup> For clarification of self-care or "*loco parentis*," see 29 CFR, Part 825, Section 825.113.

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<b>Years of Full-time Service</b>	<b>Payment Eligibility (percent)</b>	<b>Maximum Paid Hours</b>
Under 5	0	0
5	50	300
6	60	432
7	70	588
8	80	720
9	90	720
10 Plus	100	720

Sick leave payment for police and fire department personnel shall be in accordance with state law.

No employee will be paid for more than 720 hours of accrued sick leave upon separation. (Fire department civil service shift personnel may be paid for up to 1080 hours.)

**C. Sick Leave Buy Back Program ("SLBBP")**

Any employee who has an accrued sick leave balance in excess of 1,040 hours (1,456 hours for fire department civil service shift personnel) as of November 30, may participate in the City's SLBBP. Eligible employees may convert up to ten percent (10%) of the excess hours, not exceeding one hundred twenty (120) hours for regular full-time employees (one hundred eighty (180) hours for fire department civil service shift personnel) to contribute to the 457 deferred compensation plan.

Converted value will be based on the employee's salary as of the date the rollover takes place. An election to participate must be made in the month of December for distribution to take place in February of the following year. Eligible employees must meet all requirements in order to participate in SLBBP. Participation in SLBBP requires enrollment in the City's 457 deferred compensation program.

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In December of each year, Human Resources will notify employees who are eligible to participate in SLBBP. Eligible employees must make the irrevocable election by December 31st through the PeopleSoft system. Eligible employees failing to make the election by December 31st will be deemed to have waived participation in the SLBBP for the following year. Contribution to the 457 deferred compensation plan will be made in February following the year in which election was made.

**D. Schedule of Holidays**

Official City of Plano holidays will be published and distributed annually.

**1. Official Holidays**

- a. New Year's Day
- b. Martin Luther King Day
- c. Memorial Day
- d. Independence Day
- e. Labor Day
- f. Thanksgiving (2 days)
- g. Christmas
- h. Winter Holiday

Per Local Government, Section 142.0013(c), firefighters shall have one of the above holidays designated as September 11th. Designation of this holiday shall be made by the Fire Department.

Employees in non-pay status on a scheduled workday immediately preceding or following a holiday shall not receive pay for that holiday.

A paid holiday not worked will not be calculated as a regular workday for computing overtime.

Employees desiring to observe religious or other holidays not coinciding with official holidays may be given time off without pay or may be authorized to use accrued vacation leave.

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2. Part-Time Employees

Part-time employees do not receive holiday leave.

3. Department Schedules

The policy of the city will be for as many employees as possible to have approved holidays off consistent with the maintenance of essential city functions. Holiday time off will be based on department needs and supervisor approval.

Work schedules shall be based on department needs, and supervisors will determine holiday work schedules based on these needs. Department heads shall ensure that eligible employees working unusual schedules or shifts receive the full number of official holiday hours.

Employees scheduled to work on holidays will be scheduled for another day off as requested by the employee and approved by the department

4. Shift Schedules

Employees on other than eight-hour shifts will be scheduled for another day off as requested by the employee and approved by the department. Total paid holiday leave must not exceed 72 hours annually. Fire department civil service employees assigned to a 24-hour shift schedule are eligible for up to 108 hours of paid holiday leave annually.

Fire department civil service shift personnel will receive 12 hours of holiday leave for each official City of Plano holiday, regardless of whether the employee worked the holiday. Employees may use accrued holiday leave in accordance with department procedures.

E. Military Leave

1. Zero to 120 Hours

Employees are entitled to military leave with pay in accordance with state and federal laws for a cumulative maximum of 120 hours (15 days) in any federal fiscal year (October-September).

This includes both active duty training and regular active duty. The term "with pay" means full and regular pay for days and times the employee would ordinarily have been working.

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Employees must notify their supervisors immediately upon receiving notification, or not less than thirty (30) days before their pending duty, which ever occurs first.

2. 120+ Hours

Employees whose reserve duty extends beyond the 120 hours (15 days) will be treated as employees in non-pay status. Employees with accrued vacation leave may request to use such leave through their supervisors. This will not affect their military leave status.

3. Duty Verification

Employees shall provide written performed duty verification as soon as possible, but no later than their return to work. Verification is necessary in order to confirm payment of military pay and to confirm the veteran's re-employment rights.

Verification may include, but is not limited to, orders, drill letters, training schedule and signed duty verification from the officer in charge.

4. Supplemental Pay

- a. Any full-time regular employee who has been called to active duty by a Presidential Order will receive supplemental pay if his/her military salary is less than his/her City salary.
- b. "Military salary" means all monies paid to active duty military personnel as defined in the Defense Finance and Accounting Service (DFAS) Military Pay Table in effect for the requested period.
- c. Supplemental pay is subject to all regulatory tax and retirement withholdings and is treated as regular pay for retirement plan purposes.
- d. Supplemental pay is available until an employee is no longer called to actively serve in the military, his/her monthly military salary exceeds his/her regular City salary, or for up to five (5) years, which ever occurs first.

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- e. Each employee requesting supplemental pay for active military duty must submit copies of his/her monthly military pay stubs to the Payroll Department to receive supplemental pay from the City.
- f. The supplement will not be paid for any additional time taken, as allowed by law, between release from active duty and the employee's return to work.
- g. The City will continue to make health, dental, or life insurance benefit coverage available to employees called to active military duty as long as the employee continues to pay his/her contribution, or until the City of Plano receives written instructions from the employee to change or discontinue coverage.

Employees who are called to active duty and desires to continue their health, dental and/or life insurance coverage while serving in the military must advise the Payroll Department how they will pay for their portion of the premium.

If the employee elects to continue coverage and

- (1) Receives Supplemental Pay - The employee may request that the City deduct his/her portion of the insurance premium from the supplemental pay. If the employee's premium exceeds his/her supplemental pay, the employee must pay the difference to satisfy his/her portion of the premium.
- (2) Receives No Supplemental Pay - The employee must pay his/her portion of the insurance premium for any coverage he/she elects to keep.

All payments for the continuation of coverage must be coordinated through the Payroll Department.

**F. Bereavement Leave**

Department heads/division managers, after ascertaining the exact circumstances, may grant a regular full-time employee up to 24 work hours per year for deaths within the employee's immediate family. Fire department civil service shift personnel may receive up to 36 work hours per year for deaths within the employees' immediate family. (For the purpose of bereavement leave, a "family member" shall be defined as a spouse, parent\*, parent-in-law, child\*, brother\*, sister\*, brother-in-law, sister-in-law, son-in-law,

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daughter-in-law, grandparent, grandchild or grandparent-in-law.) Vacation or sick leave may be used to supplement bereavement leave, upon request and approval. Employees may be required, at the discretion of the supervisor, to present proof of death.

\*Also includes step.

**G. Jury/Court Duty**

Employees required by summons to report for jury duty (including grand jury duty), or who are impaneled as a juror or alternate juror, shall receive their regular pay during the time period directly related to jury duty (not to exceed 40 hours of jury duty pay per week). (Fire department civil service shift employees may receive up to 48 hours of jury duty pay per week.)

**1. Regular Pay**

Employees requesting regular pay for work time spent on jury duty must present proof of attendance from the presiding court before pay can be issued.

Upon release from jury duty, employees must return to their assigned work location. Employees failing to return to work during their normal work hours are subject to disciplinary action.

**2. Official City Business**

Employees who are subpoenaed to appear in court or before any other judicial or administrative body for and on behalf of official city business or on behalf of the county, state or federal government for services related to city duties, shall be compensated in accordance with the procedures specified under G, Jury Duty.

Employees subpoenaed to appear as a witness on behalf of the city, county, state or federal government for service related to city duties will be compensated for time spent in court in accordance with the procedures specified under G, Jury Duty.

Employees requesting regular pay shall provide a copy of the subpoena and, if available, proof of attendance by the court or respective administrative body.

**3. Personal/Private Business**

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Employees will not be paid for time off to conduct personal or private legal business. Vacation or compensatory time may be used if approved by the supervisor.

H. Administrative Leave

1. With Pay

Employees may receive paid administrative leave for official business or other work-related matters as designated by the division manager or designee. Other authorized purposes may include, but not be limited to, voting in official elections, investigative proceedings, jury duty, professional conferences, conventions, training activities, legislative proceedings, civic functions or any other purpose deemed to be in the City's best interests.

2. Without Pay

Administrative leave without pay (ALWOP) will be utilized when employees have: (a) exhausted all accrued paid leave, or (b) been placed on such leave by department heads/division managers.

Employees in "leave without pay" status for 80 hours or more will not accrue benefits for that period. Employees may pay for continuing health insurance coverage.

Any employee placed on ALWOP for more than 80 consecutive hours should contact TMRS to find out if such leave had an impact on his/her TMRS service eligibility.

I. Unauthorized Leave

Employees failing to report for duty or failure to remain at work as scheduled without proper notification, authorization or excuse shall be considered to be on unauthorized leave of absence and shall not be in pay status for the time involved. Unauthorized leave of absence constitutes abandonment of duties and can result in dismissal.

J. Family and Medical Leave

Eligibility for leave under the Family and Medical Leave Act (FMLA) requires that employees must have worked for the city for a total of twelve months and at least 1250 hours in the previous 12 months. Up to 12 workweeks of

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Family Medical Leave may be granted during a 12-month period (**See:** Policy 212).

**K. Inclement Weather**

City services will be maintained during inclement weather, such as heavy snow or ice storms, and all employees are expected to report to work.

Employees unable to report to work due to poor road conditions or other weather-related problems have three options available in order to be paid for hours missed:

- a. Make up the time during the same pay week;
- b. Use accrued vacation; or
- c. Use compensatory time.
- d. Prior department head/division manager approval shall be obtained before any of these options may be utilized.

**III. Appendices**

None referenced.