

SECTION XVIII: LEAVES OF ABSENCE

1. ABSENT WITHOUT LEAVE

- A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the department head.
- B. Any employee who is absent for three (3) or more consecutive work days without authorized leave shall be deemed to have resigned without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the Mayor or by subsequent grant of leave with or without pay as the circumstances dictate.

2. ANNUAL LEAVE

- A. Each permanent, full time employee shall receive annual leave at the following rate:

Years of Service	Vacation
1 year but less than 5 years	10 days
5 years but less than 10 years	15 days
10 years and over	20 days

- B. New, full-time employees shall accrue annual leave from the date of hire, and are allowed to use the leave time as it is accrued.
- C. Part-time employees receiving Utah State Retirement (URS) as part of their agreement may accrue annual leave at 50% or 75% of the full-time rate in proportion to the number of hours worked: (CC mtg. 11/3/98, revised 01/07/03, revised 11/16/08, revised 11/17/09)

Years of Service	50% Vacation	75% Vacation
1 year but less than 5 years	5 days	7 ½ days
5 years but less than 10 years	7 ½ days	11 ¼ days
10 years and over	10 days	15 days

- D. All other employees hired on an emergency, part-time, seasonal, temporary or contract basis – including permanent part-time employees – who are not receiving Utah State Retirement (URS) shall not accrue annual leave. (CC mtg. 01/07/03, revised 11/17/09)
- E. The maximum annual leave which can be carried forward from calendar year to calendar year is one half (1/2) the annual accrual. Any accrued annual leave in excess of this amount shall be forfeited on January 1, except that there shall be no deduction for less than eight (8) hours carry over. (CC mtg. 11/3/98, rev 01/07/03)
- F. A holiday which falls during an employee’s annual leave shall be counted as a paid holiday and not as annual leave.
- G. An employee whose employment is terminated shall be compensated for all accrued annual leave.

- H. All annual leave requests should be submitted a reasonable time in advance of the desired time off to the department head. If an excessive (being the number of requests if granted that would render the department or organization ineffective) amount of employees request leave for the same time period it shall be granted in order of application (first-come-first-served) or at the discretion of the department head.
- I. Official vacation records will be maintained and kept current and reported on individual pay stubs.

3. HOLIDAY LEAVE

A. Full-time Non Public Safety Shift Officers

1. Paid holidays which apply to full-time employees are:

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| (1) | New Year's Day | January 1 st |
| (2) | Human Rights Day | 3 rd Monday in January |
| (3) | President's Birthday | 3 rd Monday in February |
| (4) | Memorial Day | Last Monday in May |
| (5) | Independence Day | July 4 th |
| (6) | Pioneer Day | July 24 th |
| (7) | Labor Day | 1 st Monday in September |
| (8) | Columbus Day | 2 nd Monday in October |
| (9) | Veteran's Day | November 11 th |
| (10) | Thanksgiving Day | 4 th Thursday in November |
| (11) | The day after Thanksgiving | 4 th Friday in November |
| (12) | Christmas Day | December 25 th |

- 2. If any of the above holidays fall on Saturday, then the preceding Friday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.
- 3. The same paid Holidays will apply to part-time employees that are receiving Utah State Retirement (URS) as part of their employment. The number of hours will be in proportion to the number of hours regularly worked. (CC mtg. 11/3/98, revised 11/17/09)

B. Full-time Public Safety Shift Officers

- 1. Police Department Shift Officers shall receive an advance of 48 hours of holiday leave accrual at the end of the first pay period in January and again at the end of the first pay period in August of each year. The basis for the advance of holiday leave accrual for police shift employees is 12 paid holidays, or 96 hours per year, which divided over 2 accruals per year amounts to 48 hours per accrual. Employees hired between accruals will be advanced a pro-rated holiday leave accrual proportional to the amount of time remaining until the next accrual date.
- 2. Unused holiday leave balances not used prior to the end of each semi-annual accrual period are paid to the employee at straight time at the first pay period following the end of each semi-annual accrual period.

3. Employees who terminate shall pay back used holiday leave not yet earned based on the holidays which apply to full-time non Public Safety Shift Employees.

4. SICK LEAVE

- A. Purpose. Sick leave shall not be considered as a privilege which an employee may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or immediate family of the employee or persons under their care residing within employee's household. (CC mtg. 08/19/97)
- B. Use of sick leave. Sick leave may be used at any time with approval of the department head for any of the following reasons:
 1. When the employee is unable to perform their regular duties or other temporary work to which they may be assigned.
 2. Visits to hospitals, clinics, doctor's and dentist's offices for diagnosis or treatment of illness or injury or examination.
- C. Eligibility. Sick leave shall be available to all permanent, full-time and part-time employees receiving Utah State Retirement (URS) as part of their employment. Part-time, seasonal, temporary, provisional, and emergency employees are not eligible for paid sick leave. Said employees will be eligible to use sick leave as it is accrued. (CC meeting 11/17/09)
- D. Accrual. Sick leave is accrued at the rate of ten (10) days per year. The employee will begin to accrue sick leave immediately upon being hired by Tremonton City. Sick leave shall not accrue if an employee is in a leave-without-pay status. Sick leave shall accrue to a maximum of ninety (90) days (720 hours). Records will be kept by the Recorder and/or Payroll Clerk, or their designated representative.
- E. Termination. An employee who is terminated for cause shall not be compensated for unused accrued sick leave. (CC meeting 11/17/09)
- F. Payments.
 1. In order to qualify for sick leave payments, an employee must notify the department head, no later than one (1) hour after normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The department head should also be kept advised of the employee's progress and expected date of return to duty.
 2. Any absence for illness beyond accrued sick leave will result in the employee being carried on annual leave until all annual leave has expired. (CC meeting. 08/19/97, revised 12/17/09)
 3. Retirement or voluntary resignation. Up to one half (1/2) of the accrued sick

leave hours will be paid, at the employee's current rate of pay, to employees who voluntarily resign and to those retiring with less than 720 accrued hours.

4. Buy-out option. The City may, at its option, once an employee accumulates 720 hours of sick leave, purchase one half (1/2) of the 720 hours at one half (1/2) of the employee's current rate of pay, with the employee's permission, allowing the employee to again accrue sick leave at the same rate as other employees. (CC meeting 11/17/09)
5. 401K option. Instead of receiving a pay-out for sick leave once 720 hours have been accumulated, the City may, at its option, allow an employee to choose to have the City deposit into the employee's 401K plan the full value of any additional hours, over and above 720 hours, at the employee's current rate of pay. Payments into a 401K will be adjusted annually to allow for sick leave adjustments unless an excessive amount of sick leave is used.
 - a. Should an employee need to use sick leave, causing the balance to drop below 720 hours, the City will continue to pay into the 401K until the first pay period of the following January. The employee will then be notified that there is a deficit in their sick leave balance causing it to drop below 720 hours during the past year and that deposits to the 401K will be suspended for the current year, so as to allow 720 hours to be regained. Hours in excess of 720 will show on the sick leave accrual.
 - b. Deposits will begin again in January of the following year, provided the employee's sick leave balance is at, or above, 720 hours. The first deposit into the 401K will include all hours in excess of 720.
- G. Certification of illness. For sick leave in excess of three (3) consecutive working days, or if abuse of sick leave is indicated, the department head may require a certificate from the attending physician stating that such illness prevented the employee from working. (CC meeting 11/17/09)
- H. Reporting absences. An employee will be paid only when the employee (or a member of his immediate family if the employee is incapacitated) notifies the Mayor, Supervisor, or City Manager, within one (1) hour after the employee's scheduled reporting time. Continued reporting for more than a one-time absence will be accomplished as directed by the Mayor, City Manager or department head. The Mayor, City Manager or department head may request a doctor's release any time they question the reasonableness of an absence of one (1) day or more. This type of request should be the exception, not the rule.
5. EMERGENCY LEAVE. The department head may allow a permanent or probationary employee reasonable time off, not to exceed three (3) working days with pay, in case of an emergency. Time shall be charged to sick leave. The City Council shall have the authority to grant longer leave in unusual circumstances in which an emergency exists. During emergency leave period in excess of thirty (30) calendar days, vacation leave, sick leave, or time toward yearly evaluation shall not accrue.
6. MILITARY LEAVE. A permanent employee shall be granted leave with compensation for the

difference in salary for active duty, for service in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training. Paid military leave shall not exceed ten (10) working days in any one (1) calendar year. (Utah State Code 39-3-1 &-2) Any compensation, including travel and expense allowance, received by the employee must be turned back to Tremonton City.

7. JURY LEAVE. A permanent or probationary employee may be granted leave with full pay when performing jury duty or when required to serve as a witness in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel expense allowances, received by the employee must be turned back to Tremonton City. Paid leave will not be granted when the employee is serving as his or her own witness in financial and related suits which he or she has initiated. (CC meeting 11/17/09)
8. ADMINISTRATIVE LEAVE. A permanent or probationary employee may be granted administrative leave with pay to perform authorized duties in connection with City business, to attend trade or professional meetings which relate to official duties, or to participate in recognized and authorized training programs, or during investigations regarding the conduct of an employee. (CC meeting 11/17/09)
9. FUNERAL LEAVE. The City may grant an employee up to three (3) days of funeral leave with pay to attend the funeral of the employee's spouse, child, step-child, daughter or son-in-law, parent, step-parent, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, spouses' grandparent, brother or sister. Such leave shall not be charged against accrued sick or annual leave. Extended funeral leave for out of town travel will be considered on an individual basis with the supervisor having the authority to decide. (CC mtg. 8/19/97, 04/06/04)
10. LEAVE WITHOUT PAY (CC meeting 11/17/09)
 - A. A leave without pay shall not constitute a break in service. However, during leave without pay in excess of thirty (30) calendar days, vacation leave, sick leave, and time toward annual performance evaluation shall no accrue.
 - B. Leave without pay shall be granted to attend funerals not covered by the funeral leave policy.
 - C. Leave without pay shall be granted to attend an ill or injured member of the employee's immediate family when such absence is not covered by sick leave.
 - D. Employees are expected to apply for absences in advance and in writing, giving as much detail about the absence as is necessary so that the Mayor or City Manager may decide whether the leave without pay is warranted.
11. DOCUMENTATION OF LEAVE. Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the department head as soon as possible. In some cases where official paperwork is not available, the department head may request that the employee supply additional information in writing to support the absence.
14. LONG TERM/SHORT TERM DISABILITY LEAVE

- A. Full time, permanent employees are eligible for participation in disability benefits offered by the City.
- B. Long term disability coverage may be provided at City expense to full-time employees or as otherwise provided for in this section.
- C. Short term disability may be provided to employees with one (1) year or more of continuous service should a physician determine, in writing, that the employee is disabled and unable to perform their normal duties for a period of four (4) weeks (short term disability waiting period) or longer. The City reserves the right to obtain a second medical opinion before granting any short term disability coverage.
- D. Before receiving any subsidized compensation from the City, employees are required to use all of their available sick leave and vacation time. Employee must use the equivalent of one (1) full year of sick leave and one (1) full year of vacation time, at the employee's current rate of accrual, per period of disability. During the short term disability waiting period and any additional period which is required to equal one (1) full year of the employee's sick leave and vacation benefit, the employee will be compensated from sick leave and/or, if necessary, vacation time using the following priority:
 - 1. All available sick leave.
 - 2. All available vacation time.
 - 3. Advance from the following year's sick leave.
 - 4. Advance from the following year's vacation.

After drawing on one (1) full year of sick leave and one (1) full year of vacation time at the employee's current rate of accrual, eighty (80) percent of the employees pay (based on a forty (40) hour week) will be subsidized by the City until the long term disability benefits waiting period is over, at which time the employee will be compensated under the terms of the long term disability insurance program. (CC mtg. 01/07/03)