

SECTION 60-1

SUBJECT: VACATION LEAVE

I. PURPOSE:

To outline the policy on vacation leave.

II. STATEMENT OF POLICY:

a. ELIGIBLE EMPLOYEES:

i. Employees who have by statute met the six month qualifying period and are considered:

1. Regular Full-Time Employees
2. Regular Part-Time Employees (hours earned pro-rata)
3. Temporary Full-Time Employees
4. Temporary Part-Time Employees (hours earned pro-rata)
5. Seasonal Employees (hours earned pro-rata)

b. CALCULATION OF VACATION LEAVE CREDITS:

i. Earned vacation leave credits shall be earned at a yearly rate calculated in accordance with the following schedule, in which one (1) year equals 2,080 hours of work:

<u>Years Employed</u>	<u>Credits per Yr</u>	<u>If Part-time, on Leave Without Pay, or in a not employed status during portion of pay period</u>
Less than 10 yrs	120 hours	.05770 x hours worked
11 th yr-15 yrs	144 hours	.06924 x hours worked
16 th yr-20 yrs	168 hours	.08077 x hours worked
Over 20 yrs	192 hours	.09240 x hours worked

- ii. Overtime hours are not included in the calculation of vacation credits earned.
- iii. When calculating incomplete pay periods and part-time hours, final figures are rounded off to the hundredth of an hour.

c. RULES APPLIED TO VACATION LEAVE:

- i. Employees begin earning leave credits the first day of employment in a job which had pre-scheduled hours to work.
- ii. Hours of work employees must be pre-scheduled to be eligible to earn vacation leave credits.
- iii. Vacation time taken off shall be recorded to the nearest quarter of an hour used.
- iv. No vacation leave with pay shall be granted in advance of credits earned.
- v. Vacation leave credits will not accrue while on leave without pay status, whether authorized or not, Family and Medical Leave, or while unable to work

during periods of temporary disability.

- vi. Vacation leave must be arranged and approved in advance with the employees' supervisor. When the interest of the City requires the employees' attendance, the City's interest overrides the employees'.
- vii. Vacation leave credits may be accumulated to a total not to exceed two (2) times the maximum hours earned annually as of the end of the first pay period of the next calendar year.
- viii. Excess vacation time will not be forfeited if taken, or cashed out, or if retiring or resigning within ninety (90) calendar days from the last day of the calendar year in which the excess was accrued.
- ix. Employees who have not completed six (6) calendar months continuous employment upon termination may not cash out their vacation credits.
- x. Department heads may authorize vacation leave for employees for care of a newborn or adopted child.

d. HOLIDAY/VACATION LEAVE

Vacation leave taken over a legal holiday will not be charged against the employees accumulated vacation leave total for the legal holiday.

e. VACATION LEAVE/SICK LEAVE

Vacation leave time may be substituted for sick leave time with the consent of the employee.

f. VACATION LEAVE/OVERTIME

Hours accounted for by leave time (i.e., not physically worked, such as compensatory leave, sick leave, vacation leave, holiday leave, etc.) shall not be considered hours worked for the purpose of calculating overtime hours earned in a workweek.

g. EMPLOYEE TERMINATION OR DISMISSAL

An employee who terminates employment for reason(s) not reflecting discredit on himself/herself shall be entitled to a lump sum payment at the current salary rate at the time of termination, for unused vacation leave provided the employee has worked the qualifying period of six (6) continuous calendar months.

h. TRANSFERRED EMPLOYEES

If an employee is transferred between departments, the employee will not be entitled to a lump sum payment for accrued vacation leave credits. The department receiving the transferred employee shall assume the liability for the accrued vacation credits earned and transferred with the employee.

i. PRIOR SERVICE WITH ANOTHER MONTANA AGENCY

City employees who have been employed with another Montana agency, meaning any legally-constituted department, board or commission of state, county, or city government or any political subdivision thereof as defined in Section 2-18-612, MCA, may use that time towards their vacation accrual rate, provided:

- i. The employee obtains a Certification of Prior Employment Hours for Annual

Vacation Leave Rate Earned from the Personnel Department.

- ii. The employee sends the form to the former employer(s) and it is certified by the appropriate governmental agency.
- iii. When the Human Resources Department receives the completed certification form, the employee will receive the additional time towards his or her vacation accrual rate. For the purpose of determining years of employment, an employee must be credited with an entire pay period in which he is in a pay status or on an authorized leave of absence with pay, regardless of the number of hours of service in the pay period.

1. It is the employee's responsibility to furnish all the necessary information to the Personnel Department.

j. **QUALIFYING WORK PERIOD:**

An employee must be continuously employed for the qualifying period of 6 calendar months to be eligible to use vacation leave. Unless there is a break in service, an employee is only required to serve the qualifying period once. After a break in service, an employee must again complete the qualifying period to be eligible to use annual vacation leave. "Break in service" is a period of time in excess of five (5) working days when the person is not employed by the City of Kalispell.

k. **EFFECT OF EXTENDED LEAVE OF ABSENCE WITHOUT PAY ON QUALIFYING PERIOD:**

If an employee has not worked the qualifying period of 6 months and takes an approved continuous leave of absence without pay exceeding 15 working days, the amount of time on leave of absence will not count toward completion of the qualifying period. The leave of absence exceeding 15 working days is not a break in service and the employee will not lose any accrued annual leave credits or lose credit for time earned toward the qualifying period. An approved continuous leave of absence without pay of 15 working days or less will be counted as time earned toward the 6 month qualifying period.

EFFECTIVE: May 3, 1994; REVISED: Resolution #4832 - September 15, 2003;
Resolution #5468 - January 3, 2011

SECTION 60-2

SUBJECT: SICK LEAVE

I. **PURPOSE:**

- a. To outline the policy of sick leave.

II. **ELIGIBLE EMPLOYEES:**

- a. Regular Full-Time

- b. Regular Part-Time (hours pro-rated)
- c. Temporary Full-Time
- d. Temporary Part-Time (hours pro-rated)
- e. Seasonal Employees (hours pro-rated).
 - i. Hours of work for above employees must be pre-scheduled to be eligible to earn sick leave credits.
- f. Regular, seasonal, and temporary employees will be eligible to accumulate sick leave credits from the first day of employment and use them, with pay, after ninety (90) days of continuous employment.

III. CALCULATION OF SICK LEAVE CREDITS:

- a. Sick leave credits shall be earned at a yearly rate calculated in accordance with the following schedule, in which one (1) year equals 2,080 hours of work:
 - i. 40 hours x 52 weeks = 1 year.
- b. There is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability, provided that the qualifying period has been completed.

<u>Period of Employment</u>	<u>Working Hours Credit</u>
Each 1 year of employment	96 hours
Not in employed status entire worked pay period, on leave without pay, or part-time employee.	.0462 x number of hours

- c. Overtime hours are not counted in the calculation of sick credits earned.
- d. When calculating incomplete pay periods and part-time hours, final figures are rounded off to the hundredth of an hour.

IV. RULES APPLYING TO SICK LEAVE:

- a. Sick leave credits accrue from the first day of employment in a position which has pre-scheduled hours of work.
- b. Unless there is a break in service as defined below, an employee only serves the qualifying period once. After a break in service, an employee must again complete the qualifying period to use sick leave. The qualifying period is ninety (90) days.
 - i. "Break in service" is defined as a period in excess of five (5) working days when the employee is not employed by the City of Kalispell.
- c. Sick leave time taken will be recorded to the nearest quarter of an hour used.
- d. No sick leave with pay will be granted in advance of credits earned.
- e. Sick leave credits will not accrue while on leave without pay status, whether authorized or not, Family and Medical Leave, or while unable to work during periods of temporary disability.
- f. The City Human Resources Department, the employee's Supervisor or Department may request the employee claiming or using sick leave to substantiate their claim with proper medical certification.

V. SICK LEAVE MAY BE GRANTED FOR:

- a. Illness;
- b. Injury;
- c. Medical disability;
- d. Maternity-related disability, including prenatal care, birth, miscarriage, abortion, or other medical care for either the employee, a child, or spouse.
- e. Quarantine resulting from exposure to contagious disease;
- f. Medical, dental, or eye examination or treatment;
- g. Hospitalization;
- h. Necessary care or attendance to an immediate family member or, at the Department head's discretion, another relative, for the above reasons until other attendance can be reasonably obtained; and,
- i. Death or funeral for an immediate family member, or at the Department head's discretion, another person.

VI. HOLIDAY/SICK LEAVE

Sick leave taken over a legal holiday will not be charged against the employee's accumulated sick leave for the legal holiday. Exceptions may be made for employees scheduled to work the holiday (i.e., emergency services). Proper medical certification may be required to substantiate such illness.

VII. SICK LEAVE/VACATION LEAVE

If all sick leave credits have been used, an employee who is eligible, and with the department head's approval, may use vacation leave.

VIII. SICK LEAVE/OVERTIME

Hours accounted for by leave time (i.e., not physically worked, such as compensatory time, sick leave, vacation leave, holiday leave, etc.) shall not be considered hours worked for the purpose of calculating overtime hours earned in a work week.

IX. TERMINATION OF EMPLOYEE

An employee who terminates employment for reasons not reflecting discredit is entitled to a lump sum payment at the current salary rate at the time of termination equal to one-fourth (1/4) of the pay attributed to the accumulated sick leave, provided the employee has worked the qualifying period of ninety (90) continuous days.

X. ABUSE OF SICK LEAVE

- a. The employee sick leave program is designed to provide employees with two benefits:
 - i. Available paid leave for a reasonable amount of short-term illnesses, and;
 - ii. Provide a savings bank of time to ensure available paid leave for long-term illnesses. Employees are responsible for the appropriate use of their sick leave.
- b. In order to ensure that the sick leave program is being utilized for both purposes, all city employees are monitored to ensure that their use of sick leave benefits are not abused, this also includes "excessive usage" which is defined as follows:
 - i. Sick Leave Abuse means misrepresentation of the actual reasons for charging an absence to sick leave, and may include chronic, persistent, or patterned use of sick leave not defined as a Family Medical Leave Act (FMLA) qualifying or American Disabilities Act (ADA) event. Indications of sick leave abuse may include but are not limited to the following:

1. A pattern of using sick days the day before, or the day after, regularly scheduled days off of Holidays.
 2. Continued call-ins for illness on Holidays for which the employee is scheduled to work.
 3. A pattern of sick leave on the same day of the week, or month.
 4. A pattern of using sick leave on, or the day after, payday.
 5. An employee's use of a majority of or all of his/her earned sick leave, unless obvious mitigating circumstances are present.
 6. Witnessing of an employee's activities while on sick leave which indicates that he/she is not using sick leave properly; such as recreating, attending social functions or performing alternative work.
- c. Employees who engage in sick leave abuse, and/or show a pattern of failing to notify their supervisor of absences may be subject to corrective discipline up to and including discharge.
- d. This section would not apply to employees who have depleted their leaves due to long term confirmed chronic medical problems as defined under FMLA or the ADA, which may result in numerous absences from their job through no fault of their own. These cases will be evaluated on a case-by-case basis as to the appropriate city action.
- e. Reprimand and Discipline.
- i. Once an employee has been identified as having abused sick leave usage, as defined above, the employee normally will first be counseled by their supervisor advising them of the policy related to abuse of sick leave.
 - ii. Absences improperly charged to sick leave may, at the agency's discretion, be charged to available compensatory time or leave without pay. Annual leave may be used at the mutual agreement of the employee and the agency.
 - iii. Continued abuse following the first counseling session will result in discipline up to and including discharge as provided in 2-18-618, MCA, and forfeiture of the lump-sum payment.

XI. TRANSFERRED EMPLOYEES

If an employee is transferred between departments, the employee will not be entitled to a lump sum payment for accrued sick leave credits.

- a. The department receiving the transferred employee shall assume the liability for the accrued sick leave credits transferred with the employee.

XII. DONATION OF SICK AND VACATION LEAVE

- a. Employees who are eligible to use their accrued sick or vacation leave may donate sick and vacation leave hours to be used by another employee who does not have sufficient leave credits to remain in an active pay status during an extended absence due to illness or injury. Donating employees may donate sick

or vacation leave hours on a one-for-one basis. This donation cannot result in a budget deficit or request for supplemental funding by the recipient's department.

- b. The donation is based on the number of hours (credits), not on rate of pay.
- c. One donated credit will be subtracted from the donating employee's sick or vacation accruals for every credit added to the recipient employee's sick leave credit accumulation.
- d. Employees may donate up to twenty (20) hours of sick and/or vacation leave to an individual employee, and up to forty (40) hours total sick and vacation leave during a twelve-month period.
- e. Donating employees must have a minimum balance of one hundred sixty (160) hours of sick leave credit remaining after the contribution. There is no minimum balance for vacation leave.
- f. The donation of credits, once made, cannot be rescinded by the donating employee, subject to the qualification in paragraph 6, below.
- g. Credits not used by the recipient employee will be returned to the donating employee when the recipient employee returns to work, completes his/her recuperation, or terminates employment with the City. Credits will be returned in the reverse order of their donation.
- h. Employees may receive a total of 240 credit hours of donated sick leave per twelve-month period. For purposes of this section, the twelve-month period begins with the pay period of the first draw of donated leave.

XIII. RECEIPT OF DONATED SICK VACATION LEAVE

- a. One sick leave credit will be added to the recipient employee's sick leave account for every sick and vacation leave credit donated.
- b. An employee may receive a total of 240 credit hours of donated leave credits per twelve-month period.
- c. To be eligible to receive donations of sick leave credits, an employee:
 - i. Must be eligible to use sick leave;
 - ii. Must have an illness, injury, or other qualifying condition, as described in Section 60-02(C), that results in absence of at least ten working days;
 - iii. Must have exhausted all other accrued paid leave and compensatory time;
 - iv. Must have their department head's approval for the leave. The Department head may require medical certification;

- v. Must not be eligible for Worker's Compensation benefits; and,
- vi. Must be an employee of the City of Kalispell.

XIV. EFFECT OF EXTENDED LEAVE OF ABSENCE ON QUALIFYING WORK PERIOD:

When an employee who has not worked the qualifying period for use of sick leave takes an approved continuous leave of absence without pay exceeding 15 working days, the amount of time on leave of absence will not count toward completion of the qualifying period. The approved leave of absence exceeding 15 working days is not a break in service and the employee will not lose any accrued sick leave credits or lose credit for time earned toward the qualifying period. An approved continuous leave of absence without pay of 15 working days or less will be counted as time earned toward the 90-day qualifying period.

XV. SICK LEAVE REQUESTS:

- a. It is City policy for employees to report illnesses to supervisors or other department officials at the earliest possible time. Employees who do not report to work and fail to notify their supervisors will be considered AWOL (Absent Without Leave) and may not be paid for time off.
- b. The employee's immediate supervisor or department head may require medical certification of sick leave charged against any sick leave credits.
- c. Medical certification may also be required to certify that the illness of a family member required the immediate attention of the employee.
- d. Medical certification of maternity-related sick leave must be obtained in the same manner and under the same conditions as certification for other sick leave.

EFFECTIVE: May 3, 1994; REVISED: Resolution #4832 - September 15, 2003;
Resolution #5468 - January 3, 2011

SECTION 60-3

SUBJECT: PERSONAL DAY

I. PURPOSE:

- a. To provide for the uniform administration of Personal Days.

II. STATEMENT OF POLICY:

- a. After one year of service with the City, regular full-time employees are entitled to paid time off for one (1) personal leave day per fiscal year and regular part-time employees will receive paid time off on a pro-rata basis.
- b. This is a non-accrual day per fiscal year and must be scheduled three (3) days in advance with the employee's supervisor. Granting of the day's leave to an employee is contingent upon the work being covered by the remainder of the employees in the department so that no substitute help will have to be hired.

EFFECTIVE: Resolution #4832 - September 15, 2003

SECTION 60-4

SUBJECT: HOLIDAYS AND HOLIDAY PAY

I. PURPOSE:

To provide for the uniform administration of City holidays.

II. STATEMENT OF POLICY:

Regular full-time and temporary full-time employees with a regularly scheduled tour of duty are entitled to paid time off for all recognized legal holidays. Regular part-time employees will receive holiday pay on a pro-rata basis.

III. CITY-RECOGNIZED LEGAL HOLIDAYS:

- a. New Year's Day, January 1
- b. Martin Luther King Jr. Day, third Monday in January
- c. Presidents' Day, third Monday in February
- d. Memorial Day, last Monday in May
- e. Independence Day, July 4
- f. Labor Day, first Monday in September
- g. Veterans' Day, November 11
- h. Thanksgiving Day, fourth Thursday in November
- i. The Day After Thanksgiving Day
- j. Christmas Day, December 25
- k. State General Election Day (Even numbered years)
- l. Good Friday, 2 hours

IV. If any of the above holidays fall on a Sunday, the following Monday is a holiday. If the holiday falls on a Saturday, the preceding Friday is a holiday.

V. An employee who is scheduled for a day off on a day which is observed as a legal holiday shall be entitled to receive a day off with pay either on the day preceding or

on another day following the holiday in the same pay period or as soon as possible in the following pay period.

- VI. To receive holiday pay, the employee must be in pay status on the day before the holiday or on the day after the holiday, Section 2-18-603, M.C.A. On-call employees are not entitled to paid holidays unless they work the holiday.

EFFECTIVE: May 3, 1994; REVISED: Resolution #4832 - September 15, 2003