

ARTICLE V. HOURS OF WORK AND LEAVE

A. Hours of Work

Regular hours of work for full-time employees, unless otherwise specified, shall be forty (40) hours per week. Work schedules for employees shall be established by the department director, subject to approval by the City Manager. Employees shall be entitled to a fifteen (15) minute break during each one-half shift of four (4) hours or more. Employees may not accumulate break time one day to the next. Compensatory time will not be granted if an employee does not take their break.

B. Attendance

Department directors shall keep daily employee attendance records. These records shall be reported in accordance with procedures established by the Finance Director.

C. Holidays

1. General Provisions: The following days are designated as legal holidays by City Council. When a designated holiday falls on Sunday, the following Monday will be observed as the holiday; when a holiday falls on Saturday, the preceding Friday will be observed as the holiday. Employees required to work in excess of eight hours per day will be granted holiday pay equal to the number of hours required to work. An employee who voluntarily works a flexible schedule with hours exceeding eight hours per day will be granted a maximum of ninety-six hours annually or eight hours per holiday. Such employee may supplement their days off using accrued vacation leave, personal business, or compensatory time.

New Year's Day	Labor Day
Presidents' Day	Veteran's Day
Martin Luther King, Jr. Birthday	Thanksgiving Day
Truman's Birthday	Day after Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day

2. Regular Part-time Employees: Regular part-time employees will receive holiday pay on a proportional basis. The base is the number of regularly scheduled work hours per pay period divided by 80.

3. Temporary Employees: Temporary employees will not be paid for holidays not worked.

4. Employees Required to work on Holidays: Regular non-exempt employees required to work on an observed holiday will be compensated at the overtime rate or receive compensatory time for hours worked, plus receive straight time for the holiday.

D. Time Off By Proclamation

When time off is given by a proclamation or authorized by the City Manager for whatever reason, it will be coded as administrative leave for time-keeping purposes. Those hours will not be designated as hours worked for overtime purposes. An employee required to work during designated hours will be allowed compensatory time off equal to the hours authorized by the proclamation. Compensatory time granted will be taken at a time acceptable to both the employee and department director.

E. Vacation Leave

All employees shall receive vacation leave credit for time actually worked, including the

initial probationary period. Temporary employees are not eligible for vacation leave.

1. Schedule of Vacation Accrual

a. Full-time employees accrue annual vacation leave credit in accordance with the following schedule:

Less than sixty (60) months	80 hours/year
Sixty (60) to one hundred twenty (120) months	120 hours/year
One hundred twenty (120) months to one hundred eighty (180) months	160 hours/year
One hundred eighty (180) months and over	200 hours/year

b. Part-time employees accrue annual vacation leave credit on a proportional basis. Accrual shall be the ratio of the employee's regularly scheduled work hours per pay period divided by eighty (80).

c. Employees appointed to the service on or prior to the fifteenth (15th) day of the month shall receive leave credit as of the first (1st) day of the month. Employees appointed after the fifteenth (15th) day of the month shall receive leave credit as of the first (1st) day of the following month.

2. Accumulation of Vacation Leave:

a. Employees may accumulate vacation leave credit up to a maximum of four hundred (400) hours.

b. In addition to 2(a) above, employees may continue to earn and credit an amount equal to the employee's annual accrual of vacation leave credit. This vacation leave is not "authorized accumulated vacation leave" and is permitted solely to allow employees and their supervisors to schedule vacations throughout the year without loss to the employee of vacation leave credit prior to their scheduled vacation leave dates.

c. No vacation leave accrual in excess of the amounts prescribed in sections 2(a) and 2(b) above will be allowed.

3. Vacation Scheduling:

a. Department directors shall schedule vacation leave for employees of the department, respecting the wishes of each employee so far as the employee's wishes are compatible with the needs of the service.

b. Vacation leave may not be taken by an employee until the employee has worked six (6) months.

c. An employee shall not be charged with leave for an observed holiday occurring during the employee's scheduled vacation.

4. Effect of Retirement or Separation:

- a. A regular full-time or part-time employee who retires or separates for any reason will be compensated for accrued vacation leave up to a maximum of four hundred (400) hours.
- b. An employee separated during the initial probationary period will not be compensated for vacation leave accrual.

F. Sick Leave

1. Accrual of Sick Leave Credit:

- a. Full-time employees receive sick leave credit at the rate of eight (8) hours for each calendar month employed.
- b. Part-time employees accrue sick leave credit each month in proportion to the regularly scheduled work hours per pay period divided by eighty (80).
- c. Temporary employees are not eligible for sick leave benefits.

2. Calculation of Sick Leave Credit: Employees appointed on or prior to the fifteenth (15th) day of the month receive leave credit beginning on the first (1st) day of that month. Employees appointed subsequent to the fifteenth (15th) day of the month receive leave credit beginning on the first (1st) day of the succeeding month.

3. Use of Sick Leave Credit: Sick leave credit is accrued during an employee's initial probationary period, however, the employee will not be paid for sick leave during this period. Accrued sick leave may be authorized after successful completion of the initial probationary period due to personal or family illness or any situation which may be authorized by the Family and Medical Leave Act (FMLA).

4. Reporting and Investigation:

a. If an employee is absent for reasons that entitle him or her to sick leave, the employee shall notify his or her supervisor in accordance with department procedures. If the employee fails to notify his or her supervisor or department director, no leave shall be approved, except in unusual circumstances, to be determined by the department director. Notification must be made daily unless another arrangement is acceptable to the department director.

b. Verifying use of sick leave: The department director may verify the alleged illness of an employee absent on sick leave, when the director has reason to believe the use of sick leave is inappropriate. False or fraudulent use of sick leave shall be cause for disciplinary action and may result in dismissal.

c. Medical Statement: An employee who is absent on sick leave because of his or her own illness or that of a member of the employee's family may, at the department director's request, be required to furnish a statement signed by an attending physician, or other proof of illness satisfactory to the department director, when the director has reason to believe the use of sick leave is inappropriate.

5. Sick Leave During Vacation: Regular employees may use accumulated sick leave for illness or injury occurring while on authorized vacation leave, provided use of sick leave credit would have been granted if the employee were not on vacation leave. The employee must contact his or her immediate supervisor, at the time when sick leave is being requested. If the request exceeds one day, the supervisor may require an attending physician's statement certifying that the employee was incapacitated to a degree which would have prohibited performance of

normal duties.

6. Effect of Retirement or Separation: A regular employee who separates from the City for any reason shall be compensated for all accumulated sick leave credit up to a maximum of 1,040 hours for employees who earn eight (8) hours sick leave per month (1,560 hours for employees who earn 12 hours sick leave per month) at the employee's rate of pay at the time of separation. An employee may elect to take this payment in a lump sum or in bi-weekly installments until the amount of accumulated sick leave is exhausted or for a maximum of thirteen (13) pay periods.

7. Effect of Long Term Disability: If an employee being compensated by paid leave is receiving long term disability compensation, the employee's base pay will be adjusted by the amount of the long term disability received.

G. Family and Medical Leave Act (FMLA)

1. In addition to personal illness, sick leave may be used for the purpose of staying with immediate family members upon the occasion of disability or illness and by a parent for care of a child, during the twelve months immediately following the child's birth or adoption, whether or not the child is ill or disabled.

2. Any employee who has twelve (12) months of continuous service and has worked at least 1,250 hours in the last twelve (12) months is eligible for leave under the FMLA. FMLA time may be granted for up to twelve (12) weeks during any 12-month period, measured forward from the first date leave is used. An employee will be required to use up to one-half (1/2) of his or her accrued sick leave and vacation leave to cover part of the time he or she is on family or medical leave. All family or medical leave taken beyond accrued leave shall be without pay.

a. Under the FMLA, leave may be granted for one or more of the following:

(1) for the birth and care of the new born child of the employee;

(2) for placement with the employee of a son or daughter for adoption or foster care.

(3) to care for an immediate family member (spouse, child or parent) with a serious health condition; or

(4) to take medical leave when the employee is unable to work because of a serious health condition.

b. The City shall make every reasonable effort to accommodate the leave schedule as requested by the employee.

c. When the necessity for leave under subparagraphs "(1)" and "(2)" of paragraph "a" above, is foreseeable, the employee shall provide the City with not less than 30 days' notice, before the date the leave is to begin, unless the birth or placement requires leave to begin in less than 30 days, in which case the employee shall provide such advance notice as is practicable.

d. When the necessity for leave occurs under subparagraph "(3)" and "(4)" of paragraph "a" above, the employee shall provide the notice set out in paragraph "c" above, and shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the City. The City may require certification issued by the health care

provider of the person with the serious health condition as to that person's need for care. If the City has reason to doubt the validity of the certification provided, it may require, at the City's expense, that the employee obtain the opinion of a second health care provider designated or approved by the City.

e. If a husband and wife are both employed by the City, then the aggregate number of workweeks of leave to which both may be entitled is limited to twelve (12) workweeks during any 12-month period, if such leave is taken under subparagraphs "(1)" or "(2)" of paragraph "a" or to care for a sick parent under subparagraph "(3)".

f. An employee who takes leave under the act shall be entitled, on return from such leave, to be restored to the position of employment held by the employee when the leave commenced unless the needs of the City have necessitated the permanent filling of the position. In such case the employee shall be entitled to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. An employee shall have no right to be restored to employment if the position which the employee occupied prior to taking family or medical leave is eliminated or the employee would have been subject to layoff had family or medical leave not been taken.

g. The taking of family or medical leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Employment benefits shall not accrue during any period of family or medical leave for which such leave is without pay.

h. An employee taking family or medical leave shall continue to be covered by the City under the employee's health care plan; however, the employee shall continue to pay his or her portion of the premium for such health care coverage. The employee may continue other benefit programs (i.e., life insurance, long-term disability) during the period of family or medical leave if the premium is paid by the employee. If an employee fails to return to work from family or medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition entitling the employee to leave under subparagraph "(3)" or "(4)" of paragraph "a" above, or other circumstances beyond the control of the employee, the City

may recover the premium that it paid for maintaining the employee's health care coverage while on family or medical leave.

3. Modified duty or revised work schedule: If an employee is able to return to work with restrictions or working a limited schedule, the employer shall make every attempt to reasonably accommodate the employee. Time worked by employees in a modified duty assignment or on a reduced schedule may be counted as family or medical leave in accordance with the act.

4. Extending leave beyond twelve weeks: Continuance of leave beyond the twelve weeks authorized by FMLA may be approved by the department director. The employee must request an extension, in writing. The request must include a date by which the employee expects to return to work. If such leave is without pay, the employee must request leave in accordance with Section J (Leave of Absence Without Pay) of this Article.

H. Bereavement Leave

In the case of death within the immediate family of a regular employee such employee will be granted leave of absence from duty with pay. This leave will not be charged against the employee's accumulated sick leave or vacation time. Bereavement leave may not exceed three

(3) working days; unless services are conducted out of a four hundred mile radius, in which case, the employee may be granted a leave of absence from duty for a period not to exceed five (5) working days. The department director may, at his or her discretion, authorize the use of other types of accrued paid leave which the employee may have, to extend this time. Employees in their initial six month probationary period are not eligible for paid bereavement leave.

I. Injury Leave

A City employee shall be granted injury leave in the event of an injury suffered while on duty and performing the required duties of the employee's position. If the injury occurs on City time, but is the result of activity by the employee outside the scope of required job duties, no injury leave will be granted.

1. Medical Treatment: If medical treatment is required due to the on the job injury, it shall be authorized by the City's designated worker's compensation physician. An employee may consult with his or her own doctor, but at his or her own expense.

2. Worker's Compensation: The employee will be granted up to thirty (30) weeks, or fifty-two (52) weeks for Public Safety personnel, of injury leave at eighty per cent (80%) of the employee's base pay. (The employee's base pay is adjusted to eighty percent (80%) in order to achieve the approximate same net earnings as prior to being placed on injury leave.) Injury leave shall not be deducted from the employee's accrued leave. In the event the injury requires time off beyond thirty (30) weeks, or fifty-two (52) weeks, the employee will receive benefits pursuant to State worker's compensation law, as amended from time to time. In the event the injury requires the employee to be absent beyond the times provided for above, the employee may continue to use any accrued sick, vacation and/or personal day leave. Changes in State worker's compensation laws may effect changes in this section.

a. Seasonal or temporary employees, who are injured on the job, shall be eligible for worker's compensation benefits pursuant to State law, as amended from time to time.

b. Shift differential: Employees who are permanently assigned to a shift which receives a differential, shall continue to receive the differential only for the first thirty (30) calendar days of the injury. Shift differential shall resume when the employee returns to work on a shift eligible for differential.

c. Clothing/Cleaning Allowance: Employees who receive a cleaning or clothing allowance will not receive this allowance while on worker's compensation leave.

3. Modified Duty: The City of Independence may provide modified duty for employees injured in the course of employment. When an employee is unable to return to full duty, but can work in a restricted capacity, the employee may be assigned to modified duty. Modified duty shall be in the employee's department, unless modified duty is unavailable, in which case, the employee may be temporarily assigned to another department. If modified duty is available, the employee will be required to work the modified duty unless the employee elects to use available leave time. Once all available leave time has been exhausted, assigned modified duty shall be mandatory.

Modified duty will be for a limited time, until the employee is able to return to full duty, or return to their regularly assigned position with a reasonable accommodation. Modified duty will be reviewed for extension on a quarterly basis. Extension of modified duty may be authorized by the Personnel Director, if there exists a reasonable assurance that the employee will be able to return to full duty. If during the modified duty period, the employee reaches maximum medical

improvement, and the employee is unable to perform the essential functions of their position, separation due to disqualification, will be considered in accordance with Article VII.F.

4. Long Term Disability: An employee receiving long term disability pay shall have their base pay adjusted to insure that their total compensation does not exceed their regular net pay. This will apply if the employee is receiving worker's compensation, or full salary while working a modified duty assignment.

5. Employee's Responsibility: Injury leave is authorized solely to enable an employee to recuperate from an injury incurred on the job. Employees who violate their physical restrictions, or fail to follow all instructions issued by their treating physician while on worker's compensation leave, may be subject to disciplinary action.

6. Use of Accrued Leave: Employees must report to their supervisor when they are not able to keep a scheduled appointment relating to their on the job injury. Appropriate leave must be requested and authorized for any leave which is not expressly related to the on the job injury. This includes, but is not limited to: Vacation leave; personal business leave; and sick leave.

7. Use of Family and Medical Leave: Family and Medical Leave shall not be charged against an employee while in an authorized worker's compensation leave status.

J. Leave of Absence Without Pay

An employee on vacation or sick leave status must request a leave of absence without pay within three (3) work days after exhausting all paid leave. If an employee is absent for more than three (3) consecutive work days after exhausting all paid leave and does not receive approval for a leave of absence without pay, the employee may be considered to have resigned without notice.

The Personnel Director is authorized to grant a leave of absence without pay not to exceed fifteen (15) calendar days upon recommendation of the employee's department director. The City Manager may grant an employee a leave of absence, without pay, for a period not to exceed one (1) year, upon written request. Failure on the part of the employee to report to work at the end of an approved leave without pay may be considered a resignation.

K. Military Leave

Employees shall be granted military training leaves of absence in accordance with applicable State law, without loss of pay or other benefits for a period not to exceed a total of one hundred twenty hours in any Federal fiscal year. Competent orders and sufficient prior notice must be received by the Personnel Director in order to grant military leave. While the City recognizes the re-employment rights of the veteran, the personnel record must reflect the employee's re-employment rights in accordance with Federal and State laws with a copy of the orders incorporated in the personnel file.

L. Jury Duty Leave

An employee will receive leave with pay for their regularly scheduled hours when required to serve on jury duty. The employee must provide notice of required jury duty to their supervisor, as soon as received by the employee. If released early from jury duty,

the employee is required to report back to work. Any compensation by the Court for such jury duty must be turned over to the Finance Director. The employee may retain any allowance for parking, mileage, or meal expenses provided by the Court.

M. Time Off Due to Emergency Conditions or Inclement Weather.

If an employee is unable to report to work, and/or requests leave due to the weather or other emergency conditions, the department director may authorize use of personal business leave, vacation leave, compensatory time, or leave without pay. The department director shall use his or her discretion in determining which employees may be excused, and authorize leave for all or part of the day depending on the needs of the department to maintain service to the public.

N. Personal Business Leave

1. Regular full-time employees may earn a maximum of twenty-four (24) hours of leave for personal business leave per year which may be taken in the same manner as vacation leave. Personal business leave is credited in increments of two (2) hours, per month actually worked. Personal business leave may be accumulated to a maximum of sixty (60) hours. Personal business leave may not be used during the initial probationary period.

2. During any single fiscal year when and to the extent that the City Council has appropriated funds for this purpose, an employee may convert unused personal business leave, not to exceed a maximum of twenty-four (24) hours to cash payment at the employee's base rate of pay. The election to accumulate or convert to cash must be made during the last full work week during October. Payment will be made during the month of November. If no appropriation has been made by October 1st, then no payment shall be made for unused personal business leave for that fiscal year.

3. An employee who retires or voluntarily resigns from the City shall be paid for accumulated personal business leave to a maximum of sixty (60) hours. An employee who is terminated shall not be paid for accumulated personal business leave.

O. Voting Leave

Missouri law requires employers to assure employees have three consecutive hours available to vote in any election in which the employee is registered to vote. The law provides that the three consecutive hours can take into account hours that the employee is not scheduled to work. The polls are normally open from 6:00 a.m. to 7:00 p.m. Thus, an employee scheduled to work from 8:00 a.m. to 5:00 p.m. may be allowed only one hour off to vote because taking that hour at either the beginning of the employee's shift (8:00 a.m. - 9:00 a.m.) or the end of the shift (4:00 p.m. - 5:00 p.m.) would ensure that the employee had three consecutive hours off to vote (6:00 a.m. - 9:00 a.m. or 4:00 p.m. - 7:00 p.m.) In addition to this limitation on time off, the following restrictions apply:

- a. Employees are granted time off only for those elections in which they are registered to vote;

- b. Employees must use the time taken for the purpose of voting. Failure to do so may subject the employees to discipline;
- c. If an employee does not take the time off, he or she is not entitled to overtime or compensatory time for that time; and
- d. The scheduling of time off for voting must be approved by the employee's supervisor.

P. Disaster Service Volunteer Leave

An employee who has been certified by the American Red Cross as a disaster service volunteer, may be granted leave from work with pay to participate in specialized disaster relief services for the American Red Cross, not to exceed a total of fifteen calendar days (ten working days) in any fiscal year. To be eligible for payment, the employee must provide proof of certification and advance notification of requested leave to the Personnel Director.

Q. Special Work Schedules

1. When the work program of a department requires or permits, the department director may install special or staggered work schedules for their employees. Each employee may be assigned a specific time at which the employee will complete the work day. The assignment of employees to staggered work schedules, subject to approval by the Personnel Director as provided herein, is the responsibility of the department director, but should not conflict with any provision in established work agreements, and is not subject to appeal before the Personnel Board.

a. Reasons for special work schedules: Installation of special work schedules shall be to:

(1) Improve service to the public by the extension of business hours to the public, wherever feasible. In no case shall the public's access to City services or the working relationships among City departments be curtailed as a result of special work schedules.

(2) Maintain or improve current productivity levels.

b. Criteria for special work schedules: In addition to "a" above, the following criteria shall be met before a special work schedule may be implemented:

(1) The mission of the department or City shall not be adversely effected.

(2) Daily business hours shall include all business hours necessary to transact business with other City departments and the general public.

(3) Sufficient staff and adequate supervisory control to accomplish the mission of the agency shall be maintained throughout the entire business day.

c. Procedural requirements: A written plan for staggered work schedules for individual employees, units or an entire department must be submitted to the Personnel Director for approval, together with a copy of the staggered work schedule. The plan shall document how it proposes to meet the schedule objectives and the criteria contained in paragraphs Q.1. and Q.2. Employees should be given thirty (30) days notification on a change in their work schedule, when practicable.

d. Implementation: Special work schedules may be implemented upon written approval by the Personnel Director, or an authorized representative. Changes and adjustments shall be submitted to the Personnel Director for written approval.

2. When an employee works a special schedule which regularly involves daily hours greater than eight hours; i.e. 10 or 12 hours plan, or days other than Monday through Friday, the following shall apply:

a. Overtime pay: Unless otherwise provided, only officially authorized work in excess of forty (40) hours a week shall be designated overtime work for purposes of compensation. Employees whose regularly scheduled work week includes Sunday shall not be compensated for work on that day on an overtime basis unless their work day exceeds the number of regularly scheduled hours.

b. Holiday pay: Employees required to work in excess of eight (8) hours per day will be granted holiday pay equal to the number of hours required to work. Non-exempt employees who voluntarily select to work a flexible schedule with hours exceeding eight hours per day shall be granted a maximum of ninety-six (96) hours holiday pay annually or eight hours per day. Such employee may take the additional holiday time as leave without pay, or supplement additional time off by using accrued vacation leave, personal business leave, compensatory time or holiday leave. Leave must be requested and approved, in advance, by the department director.

R. Leave Accrual and Usage Adjustments

The City Manager may authorize increases to accrual and usage of authorized leave schedules to insure equity. Requests and justifications for increases shall be prepared by the department directors, and reviewed by the Personnel Director, or an authorized designate.

S. Outside Employment:

Each full-time and part-time City employee shall notify his or her department director of any outside employment that requires the employee to wear a City uniform, insignia or use City issued equipment. The employee shall first gain approval from their department director and the City Manager. All employees engaged in such employment must notify

the Personnel Department by completing a "Notification of Outside Employment" form obtained from the Personnel Department. Employees engaged in outside employment must not have work hours that are concurrent with hours worked for the City. Employees who have outside employment shall not work in any position which would present a conflict of interest as defined in Article VII, Section I of these policies. Department directors shall monitor job performance of any employee engaged in outside employment, to determine if performance is adversely impacted by such outside employment.