



## PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

### ARTICLE VI WORKING CONDITIONS AND BENEFITS

- 6.1 Hours of Work** - The Director of Human Resources or designee with the approval of the City Manager or designee shall establish the number of hours in a standard work period for all employees. Also, see Administrative Regulations for work periods and overtime for law enforcement and fire personnel. A Department Head or designee may allow for flex-time, shift work, telecommuting or any other appropriate scheduling requirements, provided the total number of hours required in the approved work period is not changed.
- 6.2 Holidays** - Holidays shall be set by an Administrative Regulation. Employees shall receive a minimum of twelve (12) holidays. The Department of Human Resources shall notify the workforce of holidays at least 30 days prior to the beginning of the New Year.

Employees must be in pay status before and after a holiday in order to receive pay for that holiday. For the purpose of computing total hours of work, holiday hours shall not be counted as work hours except for sworn police and fire personnel. If non-exempt employees are required to work on a holiday or if a holiday falls on a normal day off such employees shall be treated as follows:

- (1) Non-exempt employees who would normally be off (not included in the Special Provisions for Shift Personnel) but are required to work on a holiday, shall receive regular pay for the holiday **plus** receive the number of normally scheduled hours as either holiday hours or compensation at the Department Head or designee's choice. (Ex. An employee works 8 hours on the holiday Wednesday, July 4. The employee receives 8 hours pay at the regular rate plus 8 hours of holiday leave credit or 8 hours additional pay at the regular rate).
- (2) A non-exempt employee (not included in the Special Provisions for Shift Personnel) whose normal day off falls on a holiday and who is not required to work on that day, shall receive the number of normally scheduled hours as either holiday hours or compensation at the Department Head or designee's choice (Ex. An employee's regular work schedule is Tuesday through Saturday, normal days off are Sunday and Monday, and the holiday is Monday, January 1. The employee receives the day off and receives 8 hours of holiday leave credit for Monday).
- (3) A non-exempt employee who is scheduled to work on the holiday and does so, shall receive the normal pay for that day **plus** receive the number of normally scheduled hours as either holiday hours or compensation at the Department Head or designee's choice.

The Department Head or designee shall determine the type of compensation under the provisions of subsection 6.2 (1), (2) or (3). Holiday leave shall be taken off after the holiday, at a time convenient to both the non-exempt employee and the Department Head or designee. Additional provisions with regard to the holiday schedule may be issued by the Department Head and approved by the City Manager.

Employees who wish to observe other holidays (religious or otherwise) shall make arrangements with their Department Head or designee prior to the holiday. The Department Head or designee may approve the employees' request unless such request is determined to be unreasonable, interferes with the performance of essential job functions or imposes undue hardship. If such arrangements are approved, the employee must charge this time to the employee's vacation leave.

Special Provisions for Shift Fire Personnel - Fire personnel who work a schedule authorized by 29 U.S.C. § 207(k) shall receive twelve (12) hours of holiday leave credit for each designated holiday. Fire personnel shall only be entitled to leave credit and shall not receive pay in addition to their regular pay. At the time of separation from city service, such employees shall be reimbursed for unused holiday leave. Holiday hours shall be credited and can be used at the beginning of a year.



**PERSONNEL POLICIES AND PROCEDURES MANUAL**

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Special Provisions for Employees Working Alternative Work Schedules - Full time employees, not identified as shift employees, who work an alternative work schedule (i.e. 4 day/10 hours) shall earn 8 hours of holiday. Whenever possible, employees should revert back to a 5 day/8 hour schedule during holiday weeks. If this is not practical, then the employee and supervisor shall arrange the employee's schedule so the employee works the required hours of the workweek (ex. A full time employee is expected to work 24 hours during the week of Thanksgiving and have 16 hours of holiday leave. If the employee typically works 10 hours on Tuesday, Wednesday, Thursday, and Friday then the employee may have to work 8 hours on Monday, Tuesday, and Wednesday or 12 hours on Tuesday and Wednesday).

**6.3 Annual Leave** - All classified regular employees of the City of Petersburg with the exception of certain employees of the Fire Department shall be granted annual leave by the City based on an eight hour work day. The primary reason for annual leave is for rest and relaxation and for returning to work refreshed. However, annual leave may be used when it is necessary to be absent from work for other personal reasons such as extended illness (after expiration of sick leave) or for personal reasons.

- (1) Leave will be charged to the nearest half hour except when used as a supplement to workman's compensation. Eligible employees separating from City employment shall be compensated for unused annual leave at the daily average rate. Annual leave may be accumulated in excess of the maximum during the calendar year, but only the maximum amount can be carried over from calendar year to calendar year unless authorized by the City Manager due to extenuating circumstances. The maximum may not be exceeded when an employee terminates employment and receives payment for annual leave.
- (2) Annual leave will be calculated at the end of each pay period in accordance with the following schedule:

<u>Continuous Service</u>	<u>Calculate</u>	<u>Maximum</u>
Less than 5 complete years	4 hours bi-weekly	192 hours
5 - 9 complete years	5 hours bi-weekly	240 hours
10 - 19 complete years	6 hours bi-weekly	288 hours
More than 20 complete years	7 hours bi-weekly	336 hours

Fire Department personnel on a 24 hour tour of duty shall be granted leave in accordance with the following schedule:

<u>Continuous Service</u>	<u>Calculate</u>	<u>Maximum</u>
Less than 5 complete years	6 hours bi-weekly	504 hours
5 - 9 complete years	7.5 hours bi-weekly	504 hours
10 - 19 complete years	9 hours bi-weekly	504 hours
More than 20 complete years	10.5 hours bi-weekly	504 hours

- (3) Annual leave is earned at the end of the bi-weekly period and cannot be used until after it is earned. New employees will begin earning annual leave at the end of the first pay period during which an entire work schedule is completed. Terminating employees will earn annual leave at the end of the last pay period during which an entire work schedule is completed.

Employees due for an increase in the accrual rate will realize the increase at the end of the pay period following the employment date. Regular employees on leave without pay during a pay period will not accumulate annual leave hours for that pay period.



## **PERSONNEL POLICIES AND PROCEDURES MANUAL**

**Dated – March 2014**

**Issued – August 2015**

All annual leave authorized by this Section shall be earned for only twenty-four (24) bi-weekly pay periods per calendar year, and no annual leave shall be earned for the last full bi-weekly pay period in those two calendar months of the year in which employees are paid three (3) times.

- (4) Approval - The earliest possible notice of intent shall be given by an employee who is eligible to take annual leave. Any leave which is taken without prior approval may be considered as unauthorized leave without pay and may be grounds for disciplinary action. Supervisors who approve deviations due to unusual circumstances must do so in a consistent and equitable manner. Every department is responsible for the scheduling of annual leave of its employees and doing so without decreasing the operating efficiency of the department.
- (1) Pay-Our Provisions – At the time of retirement (immediately upon separation from the City), resignation, termination or death employees shall receive a lump-sum payment for their accrued amount of annual leave based on their category up to the maximum allowed by these Policies. The City shall deduct from any lump-sum payment amount appropriate federal and state taxes, any deductions for amounts owed to the City as an employee and any other amounts required by law.

**6.4 Sick Leave** - Sick leave shall be defined as leave with pay granted for personal illness or illness of an immediate family member requiring the employee's presence; bodily injury, quarantine, medical or dental appointments; medically required confinement; and a temporary disability. A physician's certificate may be required as evidence of an illness before compensation for such absence is allowed.

Immediate family is defined as mother, father, wife, husband, son, daughter, brother, sister, grandparent, grandchild, step children, step parent, legal ward, of the employee or of the employee's spouse and other members residing in the same household who are part of the family unit.

- (1) Leave under this section may need to be coordinated with the Family Medical Leave Act (FMLA). When it becomes evident an employee shall be unable to be at work for three (3) consecutive working days, and two (2) consecutive days for Fire personnel on a 24-hour tour), the employee must furnish the department head with a written statement from his/her physician. This statement shall include:
  - a. the nature of the employee's condition;
  - b. the expected date on which the employee will be able to return and perform normal work duties (in cases where applicable); and,
  - c. the approximate anticipated date of medical release by the physician.
- (2) Sick leave will be apportioned at the rate of four hours per pay period for all employees (6 hours for Fire personnel on a 24-hour tour) and will accrue at the end of each bi-weekly period. Regular employees on leave without pay during a pay period will not accumulate sick leave for that pay period.

Sick leave cannot be used until after it is earned. New employees will begin earning sick leave at the end of the first pay period during which an entire work schedule is completed. Terminating employees will earn sick leave at the end of the last pay period during which an entire work schedule is completed.
- (3) Sick leave, if not exhausted in the year in which it accrues, may be carried over from year to year without limit. Employees shall retain all benefits and seniority while on approved sick leave.



**PERSONNEL POLICIES AND PROCEDURES MANUAL**

**Dated – March 2014**

**Issued – August 2015**

All Sick leave authorized by this Section shall be earned for only 24 bi-weekly pay periods per calendar year, and no sick leave shall be earned for the last full bi-weekly pay period in those two calendar months of the year in which employees are paid three (3) times.

- (4) An employee (or his/her representative) who is unable to report to work due to illness should contact his or her immediate supervisor or designee in the manner prescribed by the supervisor as soon as possible, but no later than one-half hour after reporting time so that accurate records can be kept. Where in the interest of the public, a specified number of personnel (Fire, Police, Transit, etc.) are required to be present, department heads may require employees (or their representative) to notify the department one hour before reporting to work.
- (5) Sick leave is granted at the discretion of the Department Head or designee and may be disapproved if it appears to not be justified or is wrongfully used. An employee should not assume sick leave will be approved simply because he or she has an accumulated balance. Sick leave is a benefit and not an entitlement. Abuse of this policy may result in disciplinary action.
- (6) Once a department head determines sick leave has been exhausted, other leave policies may apply (e.g., annual leave, leave without pay, etc.). Absence for a job related injury shall be recorded as injury leave.

Regular employees on approved sick leave shall be paid their prevailing wage based on the prevailing scheduled work week not to exceed forty (40) hours per week with the exception of certain positions in the Fire and Police Departments. Leave will be charged to the nearest half-hour.

- (7) An employee may be granted leave for temporary illness/disability (surgery, maternity, etc.) in accordance with the applicable FMLA and applicable American Disability Act (ADA) through one or a combination of the following leave types:
  - a. sick leave
  - b. annual leave
  - c. leave without pay

The employee will be subject to all provisions of the appropriate "leave" depending upon the combination used to grant the leave. All medical information will be considered confidential and will be made a part of the employee's medical records. Only those parties that have an operational need to know will be privy to this information.

- (8) Payment of Sick Leave upon Retirement - Eligible employees with five or more years of vested service who retire immediately from service or who die during service, the employees or their beneficiaries, shall be paid in one lump-sum for twenty-five percent (25%) of their sick leave balance not to exceed the amount listed in the Maximum Pay-Out below:

<u>Years of Service</u>	<u>Maximum Pay Out</u>
5 - 9 years	25% or \$2,500 maximum
10 - 14 years	25% or \$3,750 maximum
15 - 19 years	25% or \$5,000 maximum
20 - 24 years	25% or \$6,250 maximum
More than 25 years	25% or \$7,500 maximum



## **PERSONNEL POLICIES AND PROCEDURES MANUAL**

**Dated – March 2014**

**Issued – August 2015**

Eligible employees with five or more years of vested service who retire for disability, shall be paid in one lump-sum for one hundred percent (100%) of their sick leave balance. The payment for sick leave upon separation shall be included with the payment for any balance of annual leave.

- 6.5 Bereavement Leave** – Bereavement leave shall be defined as leave with pay granted to regular full-time employees only upon the death of a member of the immediate family. (The immediate family is defined as: mother, father, wife, husband, son, daughter, brother, sister, grandparent, grandchild, step children, step parent, legal ward, of the employee or of the employee's spouse and other members residing in the same household who are part of the family unit.)

Bereavement leave shall be granted by the department head if requested by the employee for a period not to exceed three (3) consecutive working days immediately prior and/or subsequent to the day of the burial service (or equivalent) of the employee's immediate family. This may be extended by the City Manager in unusual circumstances. This leave shall commence upon notification and approval by the department head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the bereavement leave shall be granted accordingly. Employees must submit documentation to their supervisor or designee to support the grant of bereavement leave.

If more than the allotted number of days leave is required, or if leave is desired for a death other than the immediate family, leave may be charged to vacation or compensatory time.

Fire Department employees on 24-hour tour/28 day basis will be granted bereavement leave not to exceed 24 hours.

- 6.6 Leave Share Program** - The City of Petersburg provides a leave share program whereby employees may donate their annual or compensatory leave to fellow employees in need due to a personal or family medical condition as defined in Section 6.4 of the Personnel Policies and Procedures Manual.

- (1) The Department of Human Resources will administer the program and are responsible for
  - a. maintaining related medical records and other program documentation; and
  - b. solicit leave for donation from employees. The recipient and/or coworkers shall **not** solicit leave from other employees.
  
- (2) Eligibility Criteria and Procedures for Recipient Application
  - a. All full-time and part-time employees who are qualified to accrue and use leave shall be eligible to become recipients.
  - b. Employees requesting leave must initiate such requests using the Recipient Application Form.
  - c. Recipients shall have no balance of personal leave (annual, sick, compensatory) and shall have been placed on leave without pay for ten working days (80 hours) per medical condition per fiscal year prior to being eligible to receive leave from a donor.
  - d. All requests for donated leave and the justification for the absence shall be submitted to the Department of Human Resources on the Recipient Application Form. The form is available in the Human Resources Department.



## **PERSONNEL POLICIES AND PROCEDURES MANUAL**

**Dated – March 2014**

**Issued – August 2015**

The potential recipient shall complete the Recipient Application Form, attach the Medical Certification form and submit them to the Department of Human Resources. The physician must note on the Medical Certification Form the expected duration of the absence and the applicable return to duty date.

In the event that an employee is physically or mentally unable to make a request to the Department of Human Resources, a family member or the department head may file the request.

- e. The Department of Human Resources may request a second physician's certification from a physician of the City's choice. Such certification shall be at the City's expense. If the two physicians disagree as to whether a medical condition exists, it is within the sole discretion of the City to determine whose opinion prevails.
- f. An employee is considered to have a medical condition during pregnancy or following the birth of a child for the period a physician certifies that the employee is disabled.

### **(3) Leave Donation**

- a. Leave donations shall be requested by the Department of Human Resources by a memorandum to employees. The recipient's name is included on the memorandum requesting donations. The donor names will remain confidential.
- b. Donations to recipients shall be in the form of **annual or compensatory** leave.
- c. Donations, at all times, shall be voluntary on the part of any donor.
- d. All donors must have a minimum balance of 48 annual leave hours and 80 sick leave hours in their personal accounts before they may donate annual leave and the donor's annual leave balance cannot be less than 40 hours after the donation is made. Exceptions for minimum balances may be made by the Director of Human Resources in cases where notification of termination of employment has been received.
- e. Donations shall be made in eight hour increments.
- f. Eligible recipients shall not be required to reimburse donated leave hours, except if compensation is received from another source such as worker's compensation.
- g. If repayment is required, leave shall be valued at the current wage of the recipient, not of the donor.
- h. Alleged abuse of this program shall be investigated by the Department of Human Resources. If warranted, a recipient may be required to repay all donated leave, and/or may be subject to disciplinary action.
- i. Time that is donated but **not** used to recover from the accident or illness will be returned to the donor(s). Included in recovery is time needed for related medical care appointments after a return to work or time needed to supplement a reduced work schedule. Time will be used in the order it is donated. Unused time will be returned to the respective donor.
- j. Donors shall complete a Donor Form when contributing leave and submit it to the



## **PERSONNEL POLICIES AND PROCEDURES MANUAL**

**Dated – March 2014**

**Issued – August 2015**

Department of Human Resources.

- k. Leave given by a donor cannot be reclaimed by the donor unless the Donor Form has not yet been processed.

### **(4) Processing and Maintaining of Direct Share Transactions**

- a. The Department of Human Resources shall forward a copy of the Donor Form to the respective Department Head who is responsible for having the designated hours deducted from the donor's balance.
- b. The Department of Human Resources shall forward a Credit Form to the recipient's respective department head who is responsible for having the designated hours added to the recipient's balance.
- c. The recipient shall request sick leave in the usual manner required by the respective department. All medical information is considered confidential and is maintained in a separate medical file.

**6.7 Military Leave** - The City administers its military leave policy in accordance with applicable law, including the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Code of Virginia. All applicable procedures and processes are provided in the Administrative Regulation governing USERRA. The City Manager or designee may authorize benefits that are more generous than those afforded by law.

**6.8 Leave Without Pay** - The Department Head or designee may impose leave without pay pending disciplinary review or investigation for up to five (5) working days. Leave without pay pending disciplinary review or investigation greater than five (5) working days (56 hour Fire shift personnel equivalent shall be three (3) working days) must be approved by the Director of Human Resources or designee.

Leave without pay may also be granted by the Department Head or designee for personal reasons, for a period beyond those allowable with pay, provided the Department Head or designee is willing either to allow the position from which leave is taken to remain vacant or to fill on a short term temporary basis until the expiration of such leave. Leave without pay for personal reasons shall not be granted for more than thirty (30) calendar days except for military leave, Family Medical Leave (FMLA) or any Americans with Disability Act (ADA) accommodations. Additional leave without pay beyond thirty (30) calendar days must be approved by the Director of Human Resources or designee. If any employee's position is abolished while on leave without pay except as otherwise noted in these Rules, reduction-in-force procedures shall apply.

An employee shall not earn vacation or sick time while on leave without pay. Failure on the part of the employee to report to work promptly at the expiration of a leave without pay may be grounds for dismissal.

**6.9 Leave for Victims of a Crime**- In accordance with Virginia Code 40.1-28.7:2, the Department Head or designee is not required to compensate the employee but is required to grant leave when the employee requests leave to attend criminal proceedings provided the employee is a victim to the crime. The employee may elect to use vacation leave or any compensatory time accumulated.

In this instance victim is defined as the following:

- (i) a person who has suffered physical, psychological or economic harm as a direct result of the commission of a felony or of assault and battery in violation of § 18.2-57 or § 18.2-57.2 stalking in violation of § 18.2-60.3 sexual battery in violation of § 18.2-67.4 attempted sexual battery in violation of § 18.2-67.5 maiming or driving while intoxicated in violation of § 18.2-51.4 or § 18.2-266



## **PERSONNEL POLICIES AND PROCEDURES MANUAL**

**Dated – March 2014**

**Issued – August 2015**

- (ii) a spouse or child of such a person,
- (iii) a parent or legal guardian of such a person who is a minor,
- (iv) for the purposes of subdivision A 4 of this section only, a current or former foster parent or other person who has or has had physical custody of such a person who is a minor, for six months or more or for the majority of the minor's life, or
- (v) a spouse, parent, sibling or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, "victim" does not mean a parent, child, spouse, sibling or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in clause.

### **6.10 Civil Leave** – Civil Leave (time off without loss of pay) may be granted for the following:

- a. service on a jury;
  - b. attending court when subpoenaed or requested to appear before a court, public body or commission except when the employee is a party to the suit;
  - c. when performing emergency civilian duty in connection with national defense;
  - d. for the purpose of voting;
  - e. for attending worker's compensation hearing
- (1) For leave pursuant to this section, the employee will not be charged compensatory, annual or sick leave. Such employees are entitled to keep any jury or witness fee awarded by the Court in addition to regular salary. The employee is not required to report to work on that day.
  - (2) Leave for the purpose of voting shall only be granted when the employee's work schedule prohibits voting before or after duty hours.
  - (3) Work related hearing – If an employee must appear in court or at an administrative hearing either as a witness or a party, due to his employment with the City, such time shall be considered as hours of work.
  - (4) Any person who serves as an officer of election as defined in § 24.2-101 of the Code of Virginia as amended shall neither be discharged from employment, nor have any adverse personnel action taken against him or her, nor shall he or she be required to use sick or vacation time, as a result of his or her absence from employment due to such service, provided he or she gave reasonable notice to the Department Head or designee of such service pursuant to §24.2-118.1 of the Code of Virginia as amended.

### **6.11 Unauthorized Absence** - An unauthorized absence from duty during required hours of attendance shall be treated as a leave without pay. Such absence may be the grounds for disciplinary action including dismissal. Where there are extenuating circumstances for the unauthorized absence, the Department Head or designee, has the discretion to authorize the absence with a later grant of leave.

Failure of an employee to return to work at the expiration of an authorized leave or to request an extension of such leave shall be considered on an unauthorized absence. An employee who is considered on an unauthorized absence for three (3) consecutive work days, or, in the Fire Department (for members who work 24 hour duty tours) two (2) consecutive twenty-four (24) hour work tours, shall be dismissed.

### **6.12 Absence Due to Arrest or Incarceration** - Employees who are unable to report to work due to arrest or incarceration may not be paid for the days they are absent from work and may be subject to dismissal unless authorized by the City Manager or designee, upon written request by the employee, to use vacation leave or administrative leave.



**PERSONNEL POLICIES AND PROCEDURES MANUAL**

**Dated – March 2014**

**Issued – August 2015**

- 6.13 Holding Two City Positions** - The employment of a person in more than one position with the City is generally prohibited. Such appointments may be made only for compelling reasons, which are in accordance with federal, state and local statutes and regulations, and upon approval of the Director of Human Resources.
- 6.14 Nepotism** - It is the policy of the City not to place immediate family members in a supervisor-subordinate relationship or in the same line of supervision in the same agency, regardless of the working relationship. However, the Director of Human Resources or designee may grant special exceptions on a case-by-case basis.
- 6.15 Outside Employment** - City employees shall not engage in any employment, activity or enterprise which may expose the City to legal liability for acts of negligence growing out of such outside employment, or to be inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of their City employment.

In addition, in the event that such outside employment activity or enterprise interferes with the employee's performance, attendance, promptness, ability to work overtime or emergency hours, the employee may be required to discontinue it.

Outside employment is defined as that employment which is outside the normal job for which an individual is employed by the City. This includes self-employment. Outside employment is not intended to be defined in the narrow sense of one-time work engagements or arrangements, which are clearly of an extremely short-term nature.

Employees are required to seek written approval of the Department Head or designee prior to engaging in any outside employment, activity or enterprise. A copy of such approval will be actively maintained in the employees City personnel file. The absence of said approval from the employee's City personnel file shall create a presumption that the employee failed to obtain the written approval required in this section.