

RULE 15 – LEAVES OF ABSENCE

Section 1. Requesting Leaves of Absence

All requests for leaves of absence with or without pay shall be made to the Department Director responsible for approval on forms approved by the Human Resources Director. All requests shall be submitted in advance of the beginning date of leave (except requests for unanticipated sick leave or leave for emergency situations which shall be submitted for approval at the earliest possible time). The duration and type of leave shall be recorded on the payroll records. Paid leaves of absence are subject to available leave credits unless special or administrative leave is granted pursuant to this rule. Scheduling of vacations is subject to the approval of the Department Director. For purposes of public accountability, the City of Chandler makes deductions of leave with or without pay for partial and full-day absences of exempt employees as defined by the Fair Labor Standards Act. However, work hours of exempt employees may be adjusted as a result of extra hours worked by exempt employees. In addition, as specified in Personnel Rule 5, Section 4.A, exempt employees shall not be suspended without pay for periods of less than one workweek, except as provided under the FLSA for violations of significant workplace conduct or safety rules, regulations and policies.

Section 2. Leave Authorization (Vacation)

- A. In order to receive paid vacation leave, the employee must complete and submit a Leave of Absence Request Form for approval prior to the date of leave. If the request is denied by the Department Director, the reasons shall be stated on the Leave of Absence Request. A copy, signed by the Department Director, shall be given to the employee. Failure to request vacation leave prior to the date of leave shall be sufficient reason to deny the leave. In a bona fide emergency, the Department Director may approve vacation leave after the fact. The determination as to whether a bona fide emergency existed shall be at the sole discretion of the Department Director.
- B. Vacation Leave of more than two consecutive weeks immediately preceding an employee's retirement date or resignation date shall require the approval of the City Manager.

Section 3. Leave Authorization (Sick Leave)

- A. Department Directors will establish reporting and notification procedures that employees shall follow when unable to work due to the illness of the employee or the employee's sick child, spouse or parent.

- B. The Department Director may authorize the use of vacation credits for sick leave if the employee's sick leave credits have been exhausted and the employee is eligible to use vacation credits and has vacation credits available.
- C. The employee, or the supervisor, if the employee is not able, shall complete a Leave of Absence Request Form stating the reasons for the absence. If the Department Director or supervisor denies the request, the reason shall be stated on the Leave of Absence Request. A copy signed by the Department Director or supervisor shall be given to the employee.
- D. The employee is responsible for notifying the supervisor of the intent to take leave for a pre-scheduled appointment in as timely a manner as possible.
- E. Eligible employees are entitled to Family and Medical Leave as established by the Family and Medical Leave Act (FMLA). Leave requested under FMLA will be administered by policy as established by the City Manager.

Section 4. Vacation Leave Accrual

- A. A full-time work schedule consists of 52 weeks a year and 80 hours of work during the pay period except for employees of the Fire Department who are assigned to an alternate FLSA 7(k) work period.
- B. Employees that are represented by a recognized employee organization pursuant to the requirements of the City of Chandler Code Section 2-13 shall be eligible for the vacation leave accrual schedule as agreed upon in the organization's current Memorandum of Understanding.
- C. Full-time, regular employees, except those represented as provided under Section B of this Rule and those accruing vacation leave as provided in Section D of this Rule, shall be credited vacation leave as follows for every completed pay period:
 - 4.7** hours per pay period for the first 5 years of service.
 - 5.6** hours per pay period for employees with 5 or more years of service but less than 10 years of service.
 - 6.5** hours per pay period for employees with 10 or more years of service but less than 15 years of service.
 - 7.4** hours per pay period for employees with 15 or more years of service, but less than 20 years of service.

- 8.3** hours per pay period for employees with 20 or more years of service.
- D. Department Directors and regular, full-time exempt employees who on September 7, 2014 are being credited with vacation leave in accordance with the accrual rate below shall continue to be credited vacation leave as follows for every completed pay period:
- 5.6** hours per pay period for the first 5 years of service.
- 6.5** hours per pay period for employees with 5 or more years of service but less than 10 years of service.
- 7.4** hours per pay period for employees with 10 or more years of service but less than 15 years of service.
- 8.4** hours per pay period for employees with 15 or more years of service.
- 9.3** hours per pay period for employees with 20 or more years of service.
- E. Employees who are credited with vacation leave as provided in Section D of this Rule and who, after September 7, 2014, are no longer reporting to a Department Director as a result of a job or organizational change, shall no longer receive the vacation leave as provided under Section D of the Rule and will receive the credited vacation leave as provided under Section C of this Rule.
- F. Employees hired on or after September 7, 2014, who are not represented by a recognized employee organization pursuant to the requirements of the City of Chandler Code Section 2-13, shall be credited vacation leave as provided under Section C of this Rule.
- G. Regular employees who work less than full-time but 1040 hours or more a year in a budgetarily approved position shall be credited vacation leave on a prorated basis. The prorated basis shall be established by dividing the number of hours scheduled per week by 40 and multiplying by the accrual rate for a full-time employee with the same length of service.
- H. The accrual rate for employees of the Fire Department assigned to work shifts, which require more than 40 hours per week, shall be on a prorated basis. The prorated basis shall be established by dividing the number of hours scheduled per week by 40 and multiplying by the accrual rate for a full-time employee with the same length of service.

- I. Leaves of absence compensated under the Worker's Compensation statutes shall be considered as paid service for absences no longer than one year and the employee shall continue to accrue vacation leave.
- J. Temporary, full-time employees paid directly by the City of Chandler, who become or already have become regular employees, shall be allowed to credit toward their vacation accrual rate the time worked in a temporary position if the employee served in a temporary, full-time position for at least one year prior to becoming a probationary employee

Section 5. Maximum Accrual of Vacation Credits

- A. Vacation credits shall not be allowed to accumulate in excess of 240 hours, or the equivalent as computed under: (1) the Rule for Fire Department employees assigned to more than a 40-hour week, or (2) the Rule for regular employees who work less than full time but 1040 hours or more per year in a part-time regular budgeted position, as of the last full pay period with a pay day in January
- B. Any vacation credits in excess of 240 hours, or the equivalent as computed under: (1) the Rule for Fire Department employees assigned to more than a 40-hour week, or (2) the Rule for regular employees who work less than a full time but 1040 hours or more per year in a part-time regular budget position, shall automatically be moved to a vacation carryover accrual balance that must be used by June 30th of that same year. Any vacation carryover not used by June 30th, will be forfeited.
- C. Employees that elect to forfeit vacation credits in excess of 240 hours or the equivalent as computed under: (1) the Rule for Fire Department employees assigned to more than a 40-hour week, or (2) the Rule for regular employees who work less than full time but 1040 hours or more per year in a part-time regular budgeted position, in lieu of having the hours moved to vacation carryover balance that must be used by June 30th of that same year, shall notify the Human Resources Director in writing of their request.

Section 6. Charging Vacation Leave

- A. The Department Director is responsible for scheduling of employee vacations each year. Vacation is charged against the employee's credits on an hour-for-hour basis according to the number of hours the employee would have been scheduled to work during the period of absence.
- B. When less than an exact number of hours are used, vacation credits shall be charged to the nearest 15 minutes.

- C. General non-represented employees shall have the option to receive payment for the cash value of up to twenty-five (25) hours of their vacation accrual balance at the employee's base hourly rate. This option shall be exercised only once per fiscal year.

Section 7. Separation Pay for Vacation Credits

- A. Every employee who has regular status or has been granted the right to use vacation credits by the Department Director, and who has vacation credits and leaves the City service for any reason, shall have such credits paid on the last paycheck issued to the employee by the City. Payment shall be made based on the employee's base rate of pay. If the employee is on temporary detail at the time of separation from City Service, the detail salary shall not be used for payment of vacation leave.

Section 8. Sick Leave Accrual

- A. A full-time work schedule consists of 52 weeks a year and 80 hours of work during the pay period except for employees of the Fire Department who are assigned to work shifts, which require more than 40 hours per week.
- B. Every full-time employee who works a full-time schedule 52 weeks per year shall be credited 3.7 hours of sick leave accrual for each completed pay period. Sick leave shall accrue with no maximum.
- C. Regular employees who work less than full-time, but 1040 hours or more a year in a budgetarily approved position, shall be credited sick leave benefits on a prorated basis. The prorated basis shall be computed according to the same formula as in Section 4F of this rule.
- D. Sick leave accrual for employees of the Fire Department who work more than a 40-hour week shall be prorated according to the same formula as in Section 4G of this rule.
- E. Leaves of absence compensated under Workers' Compensation statutes shall be considered as paid service for absences no longer than 2,080 hours (or the equivalent as computed under the Rule for Fire Department employees assigned to more than a 40-hour week, or the Rule for regular employees who work less than full time but 1,040 hours or more per year in a part-time regular budgeted position) and sick leave credits shall continue to accrue.

Section 9. Use of Sick Leave

- A. Employees shall be allowed to use sick leave credits after they have been credited to the employee's account.
- B. Sick leave shall be allowed only for the purposes provided in these rules.
- C. An employee without sick leave credits may use available vacation credits with the approval of the Department Director.
- D. An employee may be required to see a doctor periodically by the Department Director, after coordination with the Human Resources Director, when there is reason to believe that the employee is too ill to be able to work safely or the employee might endanger the property or the health of other persons while performing job duties. Reports from the doctor shall be used to determine if an employee is able to work. When it has been determined that the employee cannot perform the essential functions of his/her regular class due to medical reasons, the employee may be transferred to a class for which the employee is qualified and medically able to perform, or a reasonable accommodation may be made for the employee.
- E. The employee shall pay for required health examinations through the health insurance provided by the City when only one examination per week is required. Health status examinations required by the Department Director for non-FMLA leaves in excess of one per week for any one employee will be at City expense.

When it has been determined that the employee is able to work, the employee may no longer receive sick leave benefits for that illness or injury. An employee who does not return to work under these circumstances may be dismissed.

- F. Sick leave is not a benefit that employees may use at their discretion. Sick leave is a privilege and shall be allowed for the following purposes:
 - 1. For recovery from personal illness or injury. Minor ailments, which do not affect the safety of employees, persons or property or endanger the health of other persons while performing job duties, do not qualify an employee for sick leave.
 - 2. For diagnosis, prevention and/or treatment of a personal illness or injury including medical, dental and optical treatments.
 - 3. The employee needs health care treatment and examination when prescribed or performed by a licensed health care practitioner.

4. For an illness or injury of a family member (as defined in this section as spouse, any parent or a child, including adoptive or foster children, or any relative for whom the employee is responsible for providing regular day to day care). The supervisor may request a medical certification from a licensed physician or health care practitioner to verify that it is necessary for the employee to provide physical or psychological care for a family member who is unable to care for his/her own basic medical, hygiene, or safety needs or is unable to transport him or herself to the doctor or treatment facility.
 5. For an approved Family & Medical Leave for the birth of a child or for the placement of a child with the employee for adoption or foster care, the employee may use up to 80 hours of sick leave (or the equivalent as computed under the Rule for Fire employees assigned to more than a 40 hour week or the Rule for regular employees who work less than full-time but 1,040 hours or more a year in a part-time budgeted position) if supported by a birth certificate or legal documentation of the placement of the adoptive or foster child. A medical certification will be required for the use of sick leave in excess of 80 hours (or equivalent).
- G. Any absence of three (3) or more consecutive workdays due to a serious health condition of an employee as defined by the Family Medical Leave Act (FMLA) of 1993 shall be presumed, subject to verification, to be FMLA leave if the employee is eligible for it.
- H. The City Manager will establish policies for the certification of sick leave usage.
- I. Nothing in these sections shall be construed to diminish the Department Director's authority to dismiss an employee as per Rule 5, Section 15.

Section 10. Charging Sick Leave

- A. Sick leave is charged against the employee's sick leave credits on an hour-for-hour basis according to the number of hours the employee would have been scheduled to work during the period of absence. When less than an exact number of hours are used, sick leave credits shall be charged to the nearest 15 minutes.

Section 11. Worker's Compensation

- A. In accordance with Arizona's Workers' Compensation statutes, employees are insured by the City against job-related injuries and illnesses occurring while performing duties within their scope of employment. The law provides for payment of medical expenses and, under certain circumstances, compensation for a portion of lost income. It is mandatory that every job-

related injury or illness, regardless of severity, be reported immediately to the supervisor and a written report prepared and submitted to the City's Workers' Compensation Coordinator within 24 hours from the date of injury or illness.

B. Compensation for Probationary and Regular Employees

1. Absences Covering Seven or Fewer Calendar Days

- a. An employee will be compensated paid industrial leave for the hours absent from work, which resulted from the work-related injury or illness.
- b. If it has been determined that the injury or illness is not work related, the employee shall be required to use his/her sick leave, if available, for any hours paid by the City to the employee as paid industrial leave. If all sick leave has been exhausted, an employee may then use, if available, vacation leave and/or compensatory leave for those hours. If all available leave has been exhausted, the employee shall be placed on leave without pay and the City will make the appropriate payroll adjustments.

2. Absences Covering Eight or More Calendar Days

- a. Worker's Compensation benefits shall begin on the eighth day after the injury/illness. When the employee begins to receive Worker's Compensation benefits, the employee shall transfer all loss of work benefits to the City. In return, the employee will receive paid industrial leave which will approximate the employee's net take home pay including voluntary payroll deductions and excluding overtime.
- b. If the absence continues beyond 13 days after the injury/illness, Worker's Compensation benefits shall be computed and made retroactive for the first seven days after the injury/illness. The employee shall reimburse the City when the employee receives the Worker's Compensation benefits for that period providing the employee was placed on a paid industrial leave.

If the employee was placed on industrial leave without pay during the first seven days, the City shall, upon reimbursement from the employee, place the employee on paid industrial leave for that period which will approximate the employee's net take home pay including voluntary payroll deductions and excluding overtime. If the employee used leave balances to be paid for the first seven days, the City shall, upon reimbursement from the employee, restore the equivalent amount of any leave deducted from the

employee's leave balances.

- c. The employee shall receive paid industrial leave for up to a maximum of 2,080 hours (or the equivalent as computed under the Rule for Fire Department employees assigned to more than a 40-hour week or the Rule for regular employees who work less than full time but 1,040 hours or more per year in a part-time regular budgeted position) for absences involving the same injury/illness.
 - d. When the employee's paid industrial leave is exhausted, the employee may voluntarily supplement Workers' Compensation benefits with accrued sick leave if available. If all sick leave has been exhausted, an employee may then use, if available, vacation leave and/or compensatory leave for the hours absent. The amount that may be supplemented is the difference between the Workers' Compensation benefits and what will approximate the employee's net take home pay including voluntary payroll deductions and excluding overtime.
 - e. If industrial leave is exhausted, and the employee cannot return to his or her position because the employee is unable to perform the essential functions of the job with or without a reasonable accommodation, the employee may be resigned from the City in good standing for health reasons.
 - f. If the injury/illness was due to the employee's reckless or intentional behavior, the City shall not provide paid industrial leave. Instead, the employee may voluntarily supplement Workers' Compensation benefits with accrued sick leave. If all sick leave has been exhausted, an employee may then use, if available, vacation leave and/or compensatory leave for the hours absent. The amount that may be supplemented is the difference between the Workers' Compensation benefits and what will approximate the employee's net take home pay including voluntary payroll deductions and excluding overtime. If leave is not available or has been exhausted, the employee shall be placed on industrial leave without pay.
 - g. Premiums for health, dental, and life insurance paid by the City shall continue to be paid when the employee is on industrial leave and is receiving workers' compensation, not to exceed 2,080 hours (or equivalent).
- C. Temporary employees shall receive compensation in accordance with Arizona's Worker's Compensation statutes. The City shall not provide paid industrial leave for temporary employees.

- D. No employee shall receive sick leave or paid industrial leave as a result of a job injury or disease incurred while employed by someone other than the City of Chandler.
- E. The employee may be required to submit to a medical examination as provided by this rule in Section 9. Fitness to return to duty shall be determined by the appropriate medical practitioner associated with the City's Worker's Compensation plan. If determined necessary and appropriate by the City, the City may request an independent medical evaluation.

Section 12. Short-Term Disability Pay for Non-Job Related Illness/Injury

- A. If an employee is receiving disability pay for a non-job related injury/illness under any disability plan affiliated with City service, vacation leave or compensatory time may be used. This time may be used only to the extent that total compensation does not exceed what will approximate the normal net take home pay including voluntary deductions and excluding overtime. Sick leave may not be used when receiving benefits from any disability plan affiliated with the City.
- B. Normal net take-home pay for the purpose of Section 11 and Section 11B.1 shall be computed in accordance with procedures established by the Human Resources Director. The prior history of overtime compensation will in no case be included in computing normal net take-home pay.
- C. Only regular and probationary employees normally scheduled to work in a budgetarily approved position for **20** hours or more per week shall be qualified for the City Paid Disability Program. However, all participants in the Arizona State Retirement System shall be qualified for the State Retirement Disability Program. Either program may be used as appropriate under paragraphs A and B above.
- D. All accrued sick leave must be used before employees may receive benefits from any disability plan offered by or affiliated with the City except Worker's Compensation.

Section 13. Bereavement Leave

- A. Family Death: When a member of an employee's immediate family dies, the employee shall be granted a special leave with pay, not chargeable against any leave credits, for a period not to exceed three workdays. Two additional days of special leave with pay may be granted if the employee must travel out of state. This special leave with pay shall be approved by the Department Director. If additional leave is needed, the employee must use vacation credits or take leave without pay.

- B. Death of Co-Worker: Special leave of absence with pay may be granted by the City Manager to allow co-workers to attend memorial/funeral services, allowing sufficient local travel time to and from service site. Such leave is not to be charged to any of the employee's accrued leave or compensatory time.

Section 14. Military Special Leave

- A. An employee who is a member of the National Guard or a member of the Reserve Corps of the United States Armed Services shall be entitled to leave of absence from duties without loss of time, pay, vacation or other employment rights as provided by City policy consistent with State statutes and federal law.
- B. Military orders or other documentation acceptable to the Human Resources Director, which shows the dates of the employee's required military duties, shall be attached to the leave of absence request form.

Section 15. Jury or Witness Special Leave

- A. When an employee is subpoenaed or summoned for jury duty, the employee must immediately, and in advance of the absence, notify the Department Director of the subpoena or summons. The City will continue to pay the employee's salary, upon presentation of proof of having actually served, while absent for jury duty.
- B. When an employee is subpoenaed as a witness relating to a job related matter, the City will continue to pay the employee's salary, upon presentation of proof of having actually responded to the subpoena. The employee must notify the Department Director in advance of the absence.
- C. Special leave shall not be allowed when an employee is subpoenaed as a witness relating to a non-job related or a personal matter. Vacation leave or compensatory leave may be used if sufficient credits are available and the employee is eligible to use the leave.
- D. When the jury or witness duty is complete, a leave of absence request form for special leave, approved by the Department Director, shall be submitted to the Human Resources Director with the documented proof of attendance attached.

Section 16. Special Leave Without Pay

- A. The Department Director may approve special leave without pay. This leave without pay is intended only for short periods of time and may not exceed 15 working days.
- B. For absences longer than 15 days, upon written request, an employee may, with the approval of the Department Director and the City Manager, be granted special extended leaves of absence without pay for any of the following reasons:
 - 1. To run for elective office.
 - 2. To enable an employee to engage in a course of study which will increase the employee's usefulness to the City service.
 - 3. To enable any regular employee a leave of absence for equally good reasons. In the case of a conflict of interpretation, determination by the City Manager as to what constitutes "equally good reasons" will be final and the employee will have no right of appeal.
- C. A leave of absence request form approved by the Department Director and the City Manager, indicating the specific date when the leave of absence will end, shall be submitted to the Human Resources Director. An employee who fails to return to work on or before the ending date of the leave shall be absent without approved leave.

Section 17. Extended Special Leave With Pay

- A. An employee may be granted an extended special leave with pay when it is clearly in the best interests of the City and leave is recommended by the City Manager and subsequently approved by the City Council.

Section 18. Exempt Employee Special Leave

- A. The Department Director may approve special leave with pay not charged to any leave credits for exempt employees not to exceed four working days in any one year, which is defined as the period between the first pay period with a pay day in January and the last full pay period with a pay day in December.

Section 19. Doctor's Release

- A. A certificate from a licensed physician or practitioner allowing the return to work is required for any absence, due to illness or injury of 3 or more working days duration. The certificate must be presented to the immediate supervisor prior to

- B. the resumption of duties by the individual. The certificate must state that the individual has been ill or injured, has recovered and is able to perform the duties of the position.
- C. The Department Director may require the employee to submit a doctor's certificate for any length of illness if in the Department Director's opinion it is in the best interests of the City.

Section 20. Payment of Sick Leave and Year of Service Pay at Retirement, Disability or Death

- A. A regular full-time or part-time employee who retires from City employment through a City-affiliated retirement system, or is approved for long-term disability benefits within 180 days of separation and is eligible to retire at separation shall be compensated for all accumulated sick leave at the rate of fifty percent (50%) of the accumulated sick leave hours at the employee's current base rate to be deposited into the employee's City sponsored Retirement Health Savings Plan account
- B. A regular full-time or part-time employee who retires from City employment through a City-affiliated retirement system or is approved for long-term disability benefits within 180 days of separation and is eligible to retire at separation shall be compensated for Years of Service Pay as established by the City Manager for each twelve (12) month year of City of Chandler service prorated for any partial year when the employee has a minimum of five (5) years of regular service with the City of Chandler. These funds will be deposited into the employee's City sponsored Retirement health Savings Plan account.
- C. The beneficiaries of an employee who dies prior to retirement shall receive compensation for all accumulated sick leave at the rate of fifty percent (50%) of the accumulated sick leave hours at the employee's current base rate and shall receive compensation for Years of Service Pay as established by the City Manager for each twelve (12) month year of City of Chandler service prorated for any partial year.
- D. The beneficiaries of an employee who dies in the line of duty shall receive compensation for all accumulated sick leave at the rate of one hundred percent (100%) of the accumulated sick leave hours at the employee's base rate and shall receive compensation for Years of Service Pay as established by the City Manager for each twelve (12) month year of City of Chandler service prorated for any partial year.
- E. An employee who terminates from City employment for any reason other than stated in Section 20.A or 20.C, shall forfeit all accumulated sick leave.

Section 21. Conversion of Sick Leave

- A. The City Manager may establish policies for the conversion of a portion of employee's sick leave balances to either vacation credits or provide for cash payment, as appropriate.

Section 22. Administrative Leave

- A. The Department Director may place an employee on administrative leave with pay at any time for the purpose of investigating allegations against the employee, which could result in disciplinary action. Such administrative leave shall not exceed 30 calendar days except with the approval of the City Manager, who may approve an additional 30 days if the investigation is so complex that it cannot be completed in 30 days. Administrative leave shall be ordered in writing after coordination with the Human Resources Director. Such administrative leave will not be considered a disciplinary action, and the employee shall not have any appeal rights. After the investigation has been completed, for which the employee was placed on administrative leave, the Department Director after coordination with the Human Resources Director, shall dismiss, demote, suspend without pay or reinstate the employee without prejudice. If the employee is reinstated without prejudice, all reference to the administrative leave shall be removed from the employee's file.
- B. Administrative leave with pay may be granted by the City Manager in emergency situations to allow employees to attend to business resulting from serious accidents involving employee's property, which has been damaged or lost, due to fire, flooding, devastating wind, vandalism, or by other means out of employee's control to prevent. Administrative leave with pay may also be granted by the City Manager due to malfunction of publicly owned or controlled machinery or equipment; for the well-being of the employees; or when it is in the best interest of the City.
- C. Department Directors may grant annually one day of administrative leave with pay to employees who warrant such absence.
- D. Leave granted under this rule is not to be charged to any of the employee's accrued leave or compensatory time.

Section 23. Sick Leave

- A. When an employee is laid off no part of the sick leave balance shall be paid.
- B. When an employee is re-employed from the register, the sick leave balance at the time of lay-off shall be reinstated to the employee's record.

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