

**CHAPTER 9 FULL-TIME EMPLOYEE**

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**9-1 Insurance**

**Eligibility.** All full-time employees who have completed a one (1) month waiting period are eligible to participate in the City's health, dental, and life insurance programs should the City choose to offer them. Enrollment cards and a detailed schedule of benefits will be provided to eligible employees. The City's contributions to health, dental and life insurance programs shall be set by the City Council. The City shall pay a percentage of the premium as set by resolution for the group insurance plan and other related costs as determined from time to time by the City Council. The employee will have the balance taken out of his/her check.

**Premium for Employee:** The City may pay ninety (90) percent of qualifying employee's premium.

**Premium for Family:** The City may pay ninety (90) percent of qualifying employee's family premium as set by resolution for the group insurance plan and other related costs as determined from time to time by the City Council.

**Coverage.** Insurance coverage begins on the first day of the month following the date of employment and ends on the last day of the month of separation.

**Retired Employee Eligibility.** An individual retiring from the City who qualifies for and/or is vested in an approved City retirement plan may choose to remain with the City's group insurance until the individual is eligible for Medicare coverage by personally paying the applicable premium(s).

The spouse of such an employee may also stay with the City's group insurance until the spouse is eligible for Medicare coverage by personally paying the applicable premium. In the event the employee dies, the surviving spouse will then be eligible only for such further group insurance as COBRA may provide.

## 9-2 Annual Leave

The City provides annual leave for each full time employee. New employees shall accrue annual leave from the date of hire, but they shall not be eligible to use the accrued leave until satisfactorily completing the introductory period. Annual leave is accrued by the month. If employed after the fifteenth day of the month, annual leave accrual begins on the first of the following month.

The City provides annual leave for each full time employee based on the following schedule:

1 to 5 years:	9 days per year or 6 hours per month
6 to 10 years:	12 days per year or 8 hours per month
11 to 15 years:	15 days per year or 10 hours per month
16 years & over:	25 days per year or 16.67 hours per month

An employee may accrue a maximum of 240 hours of annual leave. The cut-off date for calculating excess hours is the first pay period ending date which occurs on or after January 1<sup>st</sup> each year. When computing leave balances for excess hours, the hours accrued during this pay period will be included. It is the employee's responsibility to maintain knowledge of accrued annual leave and schedule leave appropriately.

Pre-approval of annual leave is required and must be requested in writing directed to the employee's supervisor/department head within 3 days of the requested annual leave. (**See Exhibit 9A – Time Off/Leave Report**). Department heads/supervisors will approve annual leave upon consideration of the needs of the City, the seasonal workload experience of each organization, and the employee's wishes. Conflicts in employee scheduling will be resolved by the supervisor with consideration given for seniority.

Official annual leave records will be maintained and kept current by posting at least once per month by the accounting payroll clerk. Annual leave usage will be reported by the department supervisor using time cards.

In lieu of taking all of the annual leave to which he/she is entitled, an employee may convert hours of annual leave to cash each year pursuant to the following guidelines.

Full-time employees may convert up to 40 hours of annual leave to cash once they have reached the 240 hour maximum for carryover each fiscal year. Payments for annual leave converted to cash shall be subject to withholding pursuant to state and federal law.

Employees who have accrued more than their maximum number of annual leave hours will lose those hours at the last day of December if they are not used.

New full-time employees are eligible for leave to cash on the next fiscal year after completing one year of service.

Upon separation of employment employees are eligible for 100% reimbursement of any remaining annual leave.

**9-3 Sick Leave**

The City provides sick leave for each full-time employee. New employees shall accrue annual leave from the date of hire, but they shall not be eligible to use the accrued leave until satisfactorily completing the introductory period. Under this Plan paid sick leave shall be provided for employees as insurance against loss of income when an employee needs to be absent from work because of illness or injury, to care for a dependent, or for any other emergency. Where the leave is not related to the employee's own illness or disability – or an event that qualifies under the FMLA – a personal leave request is subject to supervisory approval based on the operational requirements of the City.

**Benefit.** Each Full-Time employee under this Plan shall be awarded 6 sick leave hours per month (72 hours per year).

**Record Management.** Official records will be maintained by the payroll administrator and will be kept by posting at least once per month. Sick day's accrual will also appear on the employee's paycheck.

**Maximum Accrual.** No more than 960 hours can be accumulated.

**Termination Benefits.** At termination of employment for any reason, accumulated unused sick leave hours shall not be paid to the employee.

**Conditions on Use of Sick Leave.** The following are the conditions on use of personal leave.

- i. Minimum use of personal leave is one (1) hour increments, with supervisory approval.
- ii. Except in unforeseen circumstances, such as emergencies or the employee's inability to work due to their illness or accident, or an unforeseen FMLA-qualifying event, the employees must provide their supervisor with reasonable prior notice to allow time for the supervisors to make arrangements necessary to cover the employee's work.
- iii. For leave due to unforeseen circumstances, employees must give their supervisors as much prior notice as possible, preferably within one hour after the normal start time of each date of absence unless directed by the supervisor.
- iv. If absence exceeds 24 hours in the pay period, a doctor's notice will be required.

#### **9-4 Paid Holidays**

Any days designated as paid holidays by the City Council shall be considered legal holidays for employees. Twelve (12) holidays will be designated by the City Council at the beginning of each Calendar Year. Only full-time regular employees shall receive pay for designated holidays.

New Year's Day  
Martin Luther King's Birthday  
Presidents Day  
Memorial Day  
Independence Day  
Pioneer Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day and day after  
Christmas Day

Holidays falling on a Saturday shall be observed the preceding workday and holidays falling on a Sunday shall be observed the following workday. Any full-time employee who works on a holiday shall be given compensation as specified in Chapter 12.

#### **9-5 Bereavement Leave**

Bereavement leave is time off with pay granted to full-time employees who suffer the loss of a wife, husband, child, mother, father, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandfather, grandmother, grandchild, grandparents-in-law, step grandchild, stepchild, stepmother, stepfather, stepbrother, stepsister, and uncle, aunt, niece, or nephew. In event of death in any of these instances, the employee will be paid his/her regular base pay for scheduled work time from the date of death through the day of the funeral or memorial services, not to exceed five working days. Employees will be permitted one additional day of funeral or memorial service leave on the day following the service if such service is held more than 150 miles distance from Plain City and if the day following the service is a regular work shift. Satisfactory proof of such death, together with the date thereof, the date and location of the service, and the date of burial, must, on request, be furnished by the employee to their supervisor.

In the event of death of friends or relatives not listed above, an employee may be allowed to use personal leave for time off to attend the funeral or memorial service for such person.

#### **9-6 Jury and Witness Leave**

Employees will be granted leave for jury or witness duty. If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive their regular pay when performing jury and witness duty if money received for jury or witness service is turned in to the City. Verification of jury and witness duty will be required.

## 9-7 Military Leave

The City does not discriminate against any person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, as defined by federal statute. The City will not deny initial employment, re-employment, retention in employment, promotion, or any benefit of employment by the City on the basis of that membership, performance of service, application for service, or obligation. It is the City's policy to comply with all applicable statutes, including Employment And Re-employment Rights Of Members Of The Unified Services Act, 38 U.S.C. § 4301 *et seq.*, and Utah Code Ann. §§ 71-10-1 *et seq.*

For attendance of monthly reserve meetings, personnel should schedule their work and/or meetings so that they fall on their days off. If this is not possible, personnel should trade with others to cover shifts. If a trade cannot be arranged, the department will arrange leave for the individual and they will be charged with either annual or personal leave at the employee's option. No pay as provided below shall be made for monthly reserve meetings.

For training periods for which leave is granted, and for which military order are issued to the employee to serve, the City will pay the difference between the employee's base military pay and their normal City pay up to and including 15 days. Since military pay may not be paid until after training is completed, should an employee desire, they may receive their normal City pay and then reimburse the City when they receive their reserve pay. A form for the purpose of calculating the proper reimbursement shall be provided by the personnel officer and completed by the employee. The employee shall then return the completed form within 15 days of receipt of military pay to the personnel department. The payroll department will then deduct the respective military pay amount from the employee's next pay check; thus reducing the employee's total taxable income by the respective amount of military pay. Should a full-time employee be ordered to serve over 15 working days, no compensation will be made to the employee for any days in excess of 15 working days during any calendar year.

It shall be the policy of the City that any employee on military leave shall receive no compensation in excess of his or her normal City pay unless it comes entirely from the military.

In order to facilitate relationships between the City and the reserve units, the employee must give as much notice as possible to the City of the need for military leave in order to avoid scheduling and conflicts in the departments. Requests for leave should be made at least twenty (20) days prior to the beginning of leave.

## 9-8 Leave of Absence (Family and Medical Leave Act - FMLA)

Under Federal Law, employers with less than 50 employees are not required to offer Family Medical Leave in accordance with the Act of 1993 as amended. Plain City may grant leave, but is not required to.

The City provides family and medical leave of absence, without pay, to eligible employees for their own serious health conditions; or who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement for a foster child; or to care for a child, spouse or their own parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical facility, or continuing treatment by a health care provider for a condition that either prevents the employee from

performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Eligible employees are those who have worked for the City for at least one year and worked 1,250 hours within the previous 12 month period. Eligible employees should make requests for FMLA leave to their supervisors at least 30 days in advance of foreseeable events. When 30 days notice is not possible, the employee must provide notice as soon as practicable and must comply with the City's normal call-in procedures.

Employees requesting FMLA leave related to their own serious health condition or the serious health condition of a spouse, child, or their own parent must submit sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was taken or previously certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Eligible employees may request up to a maximum of twelve weeks of family leave within a 12 month period. Any combination of FMLA leave may not exceed this maximum limit. The City uses the *rolling period* to calculate this 12 week period. The rolling period method starts counting the FMLA period on the date the employee first uses FMLA leave. Eligible employees will be required to first use any accrued paid leave time before taking unpaid leave. This accrued paid leave time will be included as part of the maximum twelve weeks leave. Married employee couples may be restricted to a combined total of twelve weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

To the extent the law requires, eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

During the single 12-month period for service member care leave, an eligible employee is entitled to a combined total of 26 workweeks of service member care leave and leave for any other FMLA-qualifying reason, provided that the eligible employee may not take more than 12 workweeks for any other FMLA-qualifying reason during this period. For example, in the single 12-month period an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of service member care leave, but could not take 16 weeks of leave to care for a newborn child and 10 weeks of service member care leave.

Subject to the terms, conditions and limitations of the applicable plan, health insurance benefits will be provided by the City for the length of time on leave, up to the maximum of twelve weeks. The employee must continue to pay any portion of the premium that the employee would typically pay if not on leave.

Benefit accruals, such as annual, personal leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on FMLA leave must provide the City with at least two weeks' advance notice of the date the employee intends to return to work.

When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, the City will assume that the employee has resigned.

### **9-9 Life Insurance**

A life insurance policy may be provided for each full time regular employee and their dependents as part of the group insurance program.

### **9-10 Unemployment Compensation Benefits**

Employees whose employment is terminated may be eligible to receive unemployment compensation benefits, contingent upon the reason for the termination of the employment, the existence of a continued attachment to the labor market by the employee, and other factors. The determination of eligibility for unemployment compensation benefits, the amount of the benefits, and the duration of payments, if any, is made by the State of Utah Department of Employment Security, according to statutes, regulations and case law decision. Questions regarding unemployment compensation benefits should be directed to the State of Utah Department of Employment Security.

### **9-11 Workers Compensation**

Any injury occurring on the job must be immediately reported to the employee's supervisor. The job related injury shall be detailed on forms prescribed by the Utah Labor Commission and the City. These forms must be completed within 24 hours following the incident producing the injury.

### **9-12 Education Assistance**

The City encourages its employees to continually update and increase their level of education. To further this, the City may give financial assistance as funding is available and approved by the City Council to full-time employees enrolled in City-approved educational programs of direct benefit in aiding the employee to improve performance and skills in his/her position with the City. To this end, 80% of tuition and book fees may be paid for successful completion of classes or courses of direct benefit.

**Application Process.** Any full-time employee enrolling in a course under this policy must have advance written approval of the Department Head/Supervisor and Mayor prior to taking the course. (**See Exhibit 9B – Education Assistance Reimbursement Application**). Forms can be obtained from the City Recorder. The records shall be kept in the City Recorder's office. Courses must not interfere with the employee's normal work hours.

Upon completion of the class/course, the employee must submit to the Mayor's Office the evidence of the grade received, and a verified statement of tuition and related costs for

reimbursement with supporting receipts and evidence of payment. Successful completion of the course is a grade of B- or above for Undergraduate Classes, B or above for Graduate Classes or if the class does not have a grade schedule, then a statement from the teacher that the student's course work was completed successfully. The only classes/courses which will be approved are those which are job related or determined by the Department Head/Supervisor to improve skills on the job.

**Repayment Upon Termination.** Employees who apply for educational assistance will agree (by signing the application) that if they voluntarily or involuntarily (other than Reduction in Force) leave the employ of the City before working 24 months after participating in this program, they will repay the City on a prorated basis the tuition and fees which were reimbursed to them during the previous 24 months. This will be deducted from his/her final paycheck.

Employees who voluntarily terminate employment with Plain City Corporation, or who are involuntarily terminated for cause prior to completion of a class/course, will not be reimbursed for any expenses and must repay the City any education assistance received within the previous 24 months.

Employees who are not able to remain actively employed for reasons beyond their control (such as disability, reduction in force, or a spouse who accepts a position out of state) will not be required to make repayment.

Education Assistance for employees is available as long as funds budgeted to this program are available. Employees must apply each calendar year for classes taken in that year.