

CHAPTER 5 PAID AND UNPAID LEAVE BENEFITS

If you are a member of a bargaining unit, please consult your collective bargaining agreement for the specific terms and conditions which apply to you.

5.0 HOLIDAYS

Eligible employees receive ten (10) national holidays and one (1) personal leave day or floating holiday for a total of eleven (11) paid holidays.

Holiday pay is based on an eight (8) hour day. Employees working a flexible schedule for example, 4-10 hour days, are required to supplement the eight (8) hour holiday pay with vacation leave or compensatory time. Another option is for work groups to simply revert back to 5-8 hour days during a holiday week. Regular part-time employees receive holiday pay on a pro-rated basis.

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
One Floating Holiday	Used in the year earned

Absent labor contract wording to the contrary, holidays are intended for use on the assigned date for a particular year and do not carry forward if unused. Likewise, the Floating Holiday may only be used in the year it is earned. It does not carry forward and has no cash-out value. Therefore, it is wise to use your Floating Holiday at the first opportunity, for example with your first vacation request. Your floating holiday must be used in no less than two (2) hour increments.

For newly hired employees their initial floating holiday will be pro-rated by quarter based on hire date. The pro-ration is as follows: Eight (8) hours if hired January through March, six (6) hours April through June, four (4) hours July through September, and two (2) hours October through December.

Holidays falling on Saturday will be celebrated on the preceding Friday. Holidays falling on Sunday will be celebrated on the following Monday.

5.1 RELIGIOUS HOLIDAYS

If an employee's religious beliefs require observance of a holiday not included in the City's standard holiday schedule, prior to the holiday, the employee may submit a written request to their immediate supervisor to take the day off. Upon approval by the

supervisor, the employee may take the day off using vacation, compensatory time, or leave without pay.

5.2 VACATION LEAVE

The City's general vacation policy is set forth below. Employees covered by a collective bargaining unit may have additional requirements, benefits or limitations. Employees should consult their applicable contract.

<u>Years of Service</u>	<u>Monthly Accrual</u>	<u>Annual Accrual</u>
1- 4 years	10 hours	5 days
5- 9 years	12 hours	18 days
10-14 years	14 hours	21 days
15-19 years	15 hours	22.5 days
20+ years	17 hours	25.5 days

Eligible employees accrue vacation leave from the time of hire and may begin using it upon successful completion of their introductory period. Regular part-time employees accrue vacation leave benefits on a pro-rated basis. Vacation accruals increase to the next higher level at the beginning of the employee's 5th, 10th, 15th and 20th year of employment.

Each department is responsible for scheduling employee vacations without undue disruption to department operations. Leave requests shall be submitted to your immediate supervisor for advance approval prior to taking vacation.

The maximum number of vacation hours that may be carried over from one calendar year to the next is 400 hours. Upon termination of employment, employees will be cashed out for unused vacation time; provided, however that the maximum cash out amount is 240 hours (30 days). Fire and Police personnel may have varying terms and conditions for vacation leave per collective bargaining agreements.

5.3 SICK LEAVE

Regular status employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular part-time employees accrue sick leave benefits on a pro-rated basis. Accrual begins at the time of hire and may be used at any time. You do not need to satisfy your introductory period before utilizing sick leave.

Sick leave is a conditional benefit for which an employee must qualify. You are expected to manage your sick leave balances in order to cover paid leave for absences in case of your own personal illness/injury, or the illness/injury of your dependents as per state and federal law. Sick leave provides many of the same protections as that of a short-term disability insurance program. It is not intended that every hour in an employee's sick leave account will be used, but that it will accumulate in order to provide paid protection for you and your family in the event of a serious illness or injury. There is no entitlement to sick leave outside of the allowable uses given below.

Allowable Uses of Sick Leave: Sick leave covers those situations in which an employee is absent from work due to:

- (1) Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth). Or, the health condition, (illness, injury, physical or mental disability), of an immediate family member.
- (2) Leave for the care of child after birth or placement for adoption.
- (3) Care for employee's dependent children under the age of 18 who are ill.
- (4) Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day.
- (5) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others.
- (6) Use of a prescription drug, which impairs job performance or safety.
- (7) Bereavement/funeral leave for the death of an immediate family member up to five days per instance.

Immediate family is defined as persons related by blood, marriage or legal adoption (i.e., spouse, parent, grandparent, sibling, child or grandchild of the employee, but not aunt, uncle, cousin, niece or nephew, unless living in the employee's household.)

If you are unable to work due to these eligible sick leave uses, you must notify your supervisor as soon as possible, but always before your work shift. Upon your return to work, you must submit a Leave Request form for your supervisor to sign, and record the time away on your next timesheet. Depending on the length of sick time and the circumstances, you may be required to provide a doctor's certificate when absent in excess of three (3) consecutive days or where the City has reason to question the basis for the leave. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a physical or mental condition, which impairs his/her ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City.

Cash-Out Upon Separation of Employment: If you are covered by a collective bargaining agreement (CBA) your sick leave benefits shall be determined exclusively by that labor agreement with the terms and conditions affirmatively stated in your CBA. For management-administrative employees, as an incentive for good attendance, and after five (5) years of continuous service, the City allows a maximum cash-out of 25% of unused leave up to a maximum of 240 hours (30 days) upon separation as a result of voluntary resignation or retirement. There will be no cash-out if discharge is for disciplinary reasons. In the case of an employee's death, payment will be made to the employee's estate.

5.4 LEAVE TO CARE FOR SICK FAMILY MEMBER

In accordance with Washington's Family Care Act, employees are permitted to use their available vacation leave, floating holiday or sick leave in order to care for:

- A child with a health condition that requires treatment or supervision. For purposes of this leave benefit, a child's "health condition" includes (1) a medical condition requiring treatment or medication that the child cannot self-administer; (2) a medical or mental-health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or (3) a condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize the treatment. (Note: This would include leave to care for an adult child who is incapable of self-care due to a health condition. For example, an employee could use accrued sick leave if needed to care for an adult daughter incapable of self-care due to pregnancy or childbirth, but not simply to visit a new grandchild (an employee could elect to use vacation for this latter purpose).
- A spouse, parent, parent-in-law, or grandparent who has a serious or emergency health condition. For purposes of this leave benefit, a serious or emergency health condition is one that: (1) requires an overnight stay in a hospital or other medical facility; (2) results in a period of incapacity or treatment or recovery following inpatient care; (3) requires continuing treatment under the care of a health care provider that also includes a period of incapacity to work or attend to regular daily activities; or (4) involves an emergency demanding immediate attention.

You are entitled to determine which form of available paid leave to use in these situations. Where such a need is unexpected, the City understands that advance approval of the use of vacation leave or a floating holiday may not be possible. The City reserves the right to require verification or documentation confirming a family member's health condition when available leave is used for this purpose.

5.5 SHARED LEAVE

The City recognizes that under severe circumstances employees may need additional paid leave days to assist them in the period of time they are off from work. Other City employees may voluntarily donate these additional leave days. Donated leave days may be used by an employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate their employment. All donations of leave are strictly voluntary. The Human Resource Department shall determine the extent and need of the transfer of such leave. Transfer of leave shall be in full day increments. Please see the Human Resource Department regarding eligibility requirements and options for use of this policy. Shared Leave is not available for employees receiving Worker Compensation, or employees with a pattern of sick leave abuse.

5.6 FAMILY LEAVE

The City complies with the federal Family and Medical Leave Act (FMLA) of 1993, the Washington Family Leave Act and all applicable state laws related to family and medical leave. This means that, in cases where the law grants you more leave than our leave policies provide, we will give you the leave required by law. Please address any questions on this plan to the Human Resource Department.

Family Leave Eligibility: The FMLA provides up to twelve (12) weeks of unpaid, job-protected leave every twelve (12) months to eligible male and female employees for certain family and medical reasons. To be eligible you must have worked for the City for a least one year and for 1,250 hours over the previous twelve (12) months.

Reasons for Taking Leave: Unpaid FMLA leave is granted for any of the following reasons: (1) To care for your child after birth or placement for adoption or foster care. (2) To care for your spouse, son, daughter, parent, parent-in-law, or grandparent who has a serious health condition. (3) For a serious health condition that makes you unable to perform the essential functions of your job. Leave to care for a child after birth, placement for adoption or foster care must be concluded within twelve (12) months of the birth or placement.

Intermittent Leave: Under some circumstances, FMLA leave may be taken intermittently – which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to approval.

Couples Employed by the City of Wenatchee: If both you and your spouse work for the City and you request leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to you as a couple is twelve (12) weeks.

Substitution of Paid Leave: Certain kinds of paid leave will be substituted for unpaid FMLA leave. According to City policy accrued vacation, sick leave or comp time will be substituted for, and run concurrent with, any type of FMLA leave. This means that sick or other paid leave will be used for FMLA because of your own health condition, care for your child under 18 years of age who has a health condition that requires treatment or supervision, care of your spouse or parent, or leave for the care of child after birth or placement for adoption.

Advance Notice and Medical Certifications: We require that you provide advance leave notice, with medical certification, of the need for a leave related to a health condition, and with medical certification of your fitness to return to duty after medical leave. Taking leave or reinstatement after leave may be denied if these requirements are not met.

You must give the City at least thirty (30) days' advance notice of your request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If thirty (30) days notice is not practicable, you must give notice as soon as practicable, usually within one or two business days of when the need for leave becomes known to you. If you do not give thirty (30) days' advance notice, and if the need

for the leave and the approximate date of the leave were clearly foreseeable by you, we may deny your request for leave until at least thirty (30) days after the date you give notice if required for operational reasons.

We require that you provide a medical certification to support a request for leave because of a serious health condition (your own or your child's, spouse's or parent's) whenever the leave is expected to extend beyond five consecutive working days or will involve intermittent or part-time leave. We may require second or third opinions, at our option, at our expense.

We require that you provide a medical certification of your fitness for duty to return to work after a medical leave that extends beyond ten (10) consecutive working days, that involves a mental disability or substance abuse, or where the medical condition and your job are such that we believe you may present a serious risk of injury to yourself or others if you are not fit to return to work.

Periodic Reporting: If you take leave for more than two (2) weeks, we require that you report to your supervisor at least every two (2) weeks on your status and intent to return to work.

Health Insurance: If you are covered by our group health plan (medical/dental/ vision), we will continue to provide paid health insurance during FMLA leave on the same basis as during regular employment. If, however, you do not return to work after a period of unpaid leave, you will be required to reimburse the City for insurance premiums paid, unless your failure to return was beyond your control.

Other Insurance: Employees taking FMLA leave are responsible for continuing to self-pay any other deductions they have approved, such as credit union payments or health club membership on the same basis as during your regular employment. If you take unpaid leave, you will be responsible for the premiums you normally pay plus the premiums the City would normally pay for you.

Determining Leave Availability: FMLA leave is available for up to twelve (12) weeks during a twelve (12) month period. For purposes of calculating leave availability; the "twelve (12) month" period is a calendar year, twelve (12) month period.

Leave Related to Disability Caused by Pregnancy or Childbirth. An employee who is disabled due to pregnancy or childbirth is entitled to job-protected leave for the duration of that disability period, regardless of whether the employee qualifies for leave under the FMLA (as described above). This pregnancy/childbirth disability leave is unpaid, although you will be required to use any accrued leave available to you in connection with this leave. Insurance benefits will not be paid by the City during pregnancy/childbirth disability leave unless you are using accrued leave and/or have elected to use FMLA leave as part of the pregnancy/childbirth disability leave. Any time off taken for pregnancy

or childbirth disability will not be counted against the 12 weeks of FMLA leave you may be entitled to unless you elect to use FMLA leave as part of the pregnancy/childbirth disability leave. If you have questions about your leave and benefit entitlements in connection with pregnancy, please see Human Resources.

5.7 LEAVE WITHOUT PAY

At the sole discretion of the City, an unpaid leave of absence may be granted for time away from work not covered by any other type of leave, or if other leave balances are exhausted. Requests for leave without pay will be evaluated on a case-by-case basis, involving consideration of factors such as the reason for and duration of the leave. Such leave may be granted for no longer than six (6) months and only if the City believes such leave will not unduly disadvantage or disrupt operations. Requests should go to the Human Resource Director.

In addition, the City may place an employee on administrative leave (with or without pay) where the City determined that such leave is consistent with the City's best interests (i.e., during a personnel investigation).

5.8 MILITARY LEAVE

In accordance with federal and state law, the City provides eligible employees leave while performing military service. Employees receive paid military leave of up to fifteen (15) working days per year. If additional leave is requested it will be unpaid, unless you have paid vacation or compensatory time balances. This includes active military duty and Reserve or National Guard training. You are required to provide your supervisor with copies of your military orders as soon as possible after they are received. To the maximum extent possible military leave will be scheduled in coordination with the needs of the employer so as not to unduly disrupt departmental duties and schedules. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

5.9 JURY DUTY

The City recognizes the civic responsibility of its employees to act as a juror when called to do so. The City grants up to two (2) weeks of paid time off to respond to a summons for jury duty; if an employee's jury service continues beyond two (2) work weeks, the remaining leave will be unpaid. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from jury service. It is considered paid work time when employees provide testimony in court or other legal proceeding as required by the City.