



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): LEAVE AND HOUR ADMINISTRATION

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): FEBRUARY 27, 2020

## LEAVE AND HOUR ADMINISTRATION

### A. Vacation Time

Vacation shall accrue from date of hire on a predetermined number of hours per pay period and an employee may take available vacation hours after the initial review period of employment (six months for non-Civil Service employees) has been completed. An employee who terminates his/her employment with the City within the initial review period of employment will not be entitled to vacation pay for any vacation accrued, to include initial review extension of employment. All full-time employees shall accrue vacation annually per the following schedule:

#### 1. Vacation Accrual Schedule [Non-Civil Service Full-time Employees]

Years	Hours and Accrual
0 – 2	80 hours annually [3.076 hours/per pay period]
Start of Years 3 – 5	96 hours annually [3.692 hours/per pay period]
Start of Years 6 – 10	120 hours annually [4.615 hours/per pay period]
Start of Years 11 – 15	136 hours annually [5.230 hours/per pay period]
Start of Year 16 and Above	160 hours annually [6.153 hours/per pay period]

#### 2. Vacation Accrual Schedule [Fire Operations/Shift Employees]

Years	Hours and Accrual
0 – 10	180 hours annually [6.923 hours/per pay period]
11 – 15	204 hours annually [7.846 hours/per pay period]
16 and Above	240 hours annually [9.230 hours/per pay period]

#### 3. Vacation Accrual Schedule [Police Officers and Classified Fire Personnel in Administration]

Years	Hours and Accrual
0 – 10	120 hours annually [4.615 hours/per pay period]
11 – 15	136 hours annually [5.230 hours/per pay period]



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16 and Above

160 hours annually [6.153 hours/per pay period]

- a. With the exception of employees who are in an initial review period status and terminate their employment with the City during the initial review period (six months for non-Civil Service employees and one year for Civil Service employees), employees shall be paid at their present rate of pay for any vacation accrued at the time of their resignation, separation, termination or retirement. The employee's anniversary date, i.e., month and day of the first day of employment, shall be used for calculating the accrual of vacation time. Vacation leave will not accrue for a pay period when an employee works less than half the normal hours during a pay period and is not in a paid leave status.
- b. The City Manager may, for recruitment purposes, adjust the beginning rate for accruing vacation for any new employee.
- c. Vacation may only be requested or approved for day(s) and hours that the employee was already scheduled to work. Vacation hours cannot be used in place of scheduled work days and/or hours off, except for *Police Department personnel participating in the "Step Grant" traffic enforcement program*.
- d. Employees may not use a combination of scheduled work days and/or hours and vacation hours in the same day or within a pay period in an effort to increase productive time, except for *Police Department personnel participating in the "Step Grant" traffic enforcement program*.

#### **4. Vacation for Part-Time/Temporary or Seasonal Employees**

Part-time employees who are authorized to work more than 1,000 hours shall accrue vacation based upon the number of hours they worked calculated on a ratio of those worked hours to 2,080 hours for a full-time employee. For example, if a part-time employee who has worked less than five years works 520 hours in a year, he/she is authorized 60 hours of annual paid vacation [ $1560/2080 = .75 \times 80 = 60$ ]. Part-time employees who are authorized to work 1,000 or less hours annually, temporary and seasonal employees are not entitled to earn vacation leave.

#### **5. Vacation Carry-Over**

An individual may carry-over all vacation accrued from the previous year. He/she may not



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carry over or hold over more than the sum of his/her present year's vacation and his/her previous year's vacation unless approved by the City Manager.

### B. Holidays

1. The City Council will approve and schedule all City holidays. A list of holidays and the schedule for the upcoming calendar year will be distributed to employees prior to the expiration of the current calendar year. If the holiday falls on a Saturday, the preceding Friday shall be observed, and if a holiday falls on a Sunday, the following Monday shall be observed as the holiday. If two consecutive holidays fall partially on a weekend, the City Manager shall designate the days to be observed as holidays.
2. An employee who is absent without prior authorized leave on the shift or workday immediately preceding or following a holiday will **not** be paid for the holiday. Employees on unpaid leave preceding or following a holiday will not be paid for the holiday.
3. As many employees as possible shall be given each holiday off consistent with appropriate staffing for essential City functions.
4. Full-time, non-exempt employees - Full-time employees shall be granted paid holidays at their current rate of pay for eight [8] hours of straight time.
  - a. Fire Department Operations personnel receive holiday leave hours as opposed to holiday pay.
5. Full time, non-exempt employees scheduled to work on holidays will be compensated at one and one-half times their regular pay up to eight [8] hours. Hours worked count as productive time and count towards the computation of overtime.
6. An exempt employee who is scheduled to work on an official holiday may take the holiday at a later date.
7. Temporary, seasonal, part time regular and part-time employees do not receive holiday pay benefits.
8. Fire Operations personnel receive holiday benefits in the form of additional leave hours to be utilized in accordance with Fire Department policies. Annually, each employee assigned to the Fire Operations division will receive 96 hours of holiday leave. The first four operational shifts (24 hours each) each year that an employee takes off will utilize these holiday hours. After the 96 holiday hours have been exhausted; the employee will begin utilizing available vacation hours



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for scheduled days off. Personnel action that occurs throughout the year could affect the implementation of this policy. The following guidelines address how such actions will be administered collaboratively by Finance and Human Resources:

- a. New Employees will be credited the appropriate number of holiday hours based on their hire date. For example, if an employee started after four holidays (32 hours) had been observed, they would receive 64 holiday hours to be utilized for the remainder of the year.
- b. Terminations – upon separation, any holiday hours that had been utilized that had yet to be observed will be deducted from the number of vacation hours to be paid out to the employee. For example, if an employee resigned on a date in which four holidays (32 hours) had been observed but had already utilized all 96 hours of holiday leave, 64 hours would be deducted from the number of vacation hours that would have been paid out.
- c. Transfers – if an employee is transferred to a different division, the same reconciliation would occur that does with a termination. However, it would simply reduce the employees' vacation hours by the appropriate number of holiday hours utilized, but not observed at that point in the year.
- d. Modified Duty – during these temporary reassignments, employee will receive holiday benefits consistent with all other City employees. For light duty assignment exceeding 90 days, an adjustment will be made (if necessary) to their holiday leave hours for the holidays they observed while on light duty.

### **C. Paid Absences**

#### **1. Jury Duty**

Full-time employees called for jury service shall be granted special absence with pay during such service and shall retain the fee paid by the courts. An employee excused or released from jury service during working hours shall report to his/her work. The employee shall submit a copy of his/her jury summons or statement of jury service to his/her Manager/Supervisor.

#### **2. Witness**

Full- or part-time employees will be excused with pay to testify in any criminal or civil proceedings related to the employee's employment with the City or his/her official duties, or to



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fulfill his/her civic duty to testify as a witness in a judicial proceeding where the employee has no personal benefit and when served with a subpoena. The employee shall submit a copy of his/her subpoena to his/her Manager/Supervisor.

#### 3. Court Appearances

Employees' off-duty time will be compensated in accordance with state and federal statutes. If a full or part-time employee has a personal interest or benefit in the judicial proceedings, the employee may use vacation, compensatory time or leave without pay for the absence.

### D. Leave

#### 1. Sick Leave Usage

- a. Sick leave is defined as paid time away from work due to a bona fide illness or injury that prevents the employee from working, or visits to the doctor or dentist, or to care for family members (spouse, son, daughter or parent) who are ill or injured.
- b. Sick leave will accrue, and employees may use, sick leave from date of hire.

Employees who use three [3] or more continuous work days/shifts of sick leave at one time or, at the Department Director's request, will be required to provide medical proof of illness upon or prior to returning to work.

- In cases of extended illness/injury [i.e., more than three [3] work days or shifts] employees must call in and advise their department of their condition and progress a minimum of every three [3] work days or shifts and furnish the department with a doctor's report each time they visit the doctor.

#### 2. Full-Time Employees Accrual

- a. Full-time employees accrue sick leave at the rate of  $3.6923 \times 26 = 95.999$  hours per pay period [96 hours/year].
- b. Police Officers and Classified Fire personnel in Administration accrue sick leave at the rate of  $4.6 \times 26 = 119.60$  hours per pay period [120 hours/year].
- c. Fire Operations/shift employees accrue sick leave at the rate of  $6.9 \times 26 = 179.40$  hours per pay



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period [180 hours/year].

#### **3. Part-Time Employees Accrual**

- a. Part-time employees who are authorized to work more than 1,000 hours shall accrue sick leave based upon the approximate average part-time hours worked. Part time employees who are authorized to work 1,000 or less hours annually, temporary and seasonal employees are not entitled to earn sick leave.

#### **4. Maximum Accrual and Buy Back - Regular Non-Civil Service Employees**

- a. Any regular non-civil service full-time employee will not accrue more than 960 hours of sick leave and will be eligible to be compensated for the sick leave hours up to 480 hours at a rate of one hour of pay per hour of sick leave. These full-time employee eligibility requirements for buy back of sick leave hours are as follows:
  1. Retirement - An employee must have ten [10] years of continuous service with the City of New Braunfels and retire with TMRS.
  2. Resignation/Termination - An employee must have fifteen [15] years of continuous service with the City of New Braunfels.

#### **5. Maximum Accrual and Buy Back - Police and Fire Personnel**

- a. Police Officer, sworn Fire personnel in Administration, and Fire Operations/shift will not have a maximum accrual, and will be compensated for sick leave hours up to the below designated maximum at a rate of one hour of pay per hour of sick leave accrued upon leaving employment, assuming the employee has successfully completed their one-year probationary period as defined by Civil Service Rules and Regulation. Said sick leave purchased by the City shall be deleted from the employee record.
  1. All Police Officers and sworn Fire personnel in Administration shall be compensated for sick leave hours up to 720 hours.
  2. Fire shift employees shall be compensated for sick leave hours up to 1,080 hours.

### **E. Bereavement Leave**

- a. Available on first day of employment, full time employees are allowed up to twenty-four [24] hours annually of bereavement leave for a death, or hospitalization for serious illness or injury



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when death is imminent of an immediate family member. This includes spouse, parents, parents of spouse, step-parents, children to include adopted and step-children, grandchildren, brothers, sisters, nephews, nieces, uncles, aunts, cousins, grandmothers, grandfathers and legal guardians.

- b. Employees may be paid for absences exceeding three [3] working days if they utilize accrued vacation time, available sick leave or compensatory time and have the prior approval of his/her Manager/Supervisor.

### **F. Military Leave**

1. Full-time employees who are members of the Active Reserve, National Guard or State Guard will be allowed one hundred- twenty [120] hours of military leave with pay annually upon presentation of proper military orders.
2. Classified Fire operations/shift employees who are members of the Active Reserve, National Guard or State Guard will be allowed one hundred-eighty [180] hours of military leave with pay annually upon presentation of proper military orders.
3. Employees called to active duty as reservists or national guardsmen shall be entitled to leave accruals and re-employment rights in accordance with state and federal laws.
4. Military Leave is not counted toward the computation of overtime.

### **G. Discretionary Leave**

1. Exempt employees are paid a salary for all services rendered as opposed to payment of wages for actual hours worked. Accordingly, exempt employees are not entitled to overtime pay or compensatory time off. The City recognizes that, from time to time, exempt employees must work excessive hours to meet customer and City needs. Department Directors may grant exempt employees discretionary leave when excessive hours are worked by exempt employees. Directors should require discretionary hours earned to be used in a reasonable amount of time, ideally within the same pay period in which they are earned.
2. Approval of discretionary leave requests by Department Directors will be based on management's judgment regarding the availability of appropriate staff to meet City requirements and needs as well as the appropriateness of the request.



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3. Emergency Management - During emergencies, the City Manager may grant discretionary leave with pay to all or certain employees when, for safety reasons, they should not be required to report to work. Those employees who are still required to work during a period of emergency discretionary leave will not receive overtime or compensatory time for hours worked during the normal workday or shift [if non-exempt].

### **H. Administrative Leave**

1. An employee may be placed on administrative leave for assessment or evaluation of their ability to perform the duties of their current position. Administrative leave may also be used in a disciplinary action with the concurrence of the City Manager and the Human Resources Department. Use of administrative leave to complete an assessment/evaluation of an employee's ability to perform their job duties will provide the employee and/or the City the time to allow a professional to complete the fitness evaluation/assessment. Administrative leave with pay shall be granted for assessment and evaluation purposes.
2. Administrative leave without pay in connection with an investigation may be implemented by the Department Director or City Manager. The Department Director and Human Resources Director, with City Manager's approval, will determine the appropriate length of time for the employee to be placed on administrative leave.

### **I. Catastrophic Leave**

The purpose of the Catastrophic Leave Donation Policy is to aid employees, their spouse, or child who are experiencing a serious medical hardship or catastrophic illness and have exhausted all paid leave by giving them a temporary salary and benefit continuation. This policy allows employees to donate sick leave to a "bank" to be utilized by employees who meet the eligibility requirements. Eligibility is only awarded to those employees who have exhausted all forms of paid leave [i.e., compensatory time, vacation, and sick], and meet the definition of having a "serious medical hardship or catastrophic illness or injury." Employees on catastrophic leave will continue to accrue vacation and sick leave.

#### **1. Serious Medical Hardship/Catastrophic Illness**





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Serious medical hardship or catastrophic illness or injury includes conditions which severely impact the health of the employee, unusually prolonged or complex illness, often life threatening, and requires absence from work. Typically, these conditions must also meet the eligibility for the Family Medical Leave Act [FMLA]. Some examples would include:

- a. Heart attack or stroke
- b. Hospice Care
- c. Cancer
- d. A serious accident
- e. Other life-threatening illnesses

#### **2. FMLA Requirement**

Typically, the employee with the serious medical hardship or catastrophic illness or injury must also meet all of the eligibility definitions of the Family Medical Leave Act [FMLA]. Any donated time the recipient uses from the Catastrophic Leave Bank will count as FMLA time unless the FMLA time has expired and the employee has previously met all of the eligibility requirements [i.e., having worked at least 1,250 hours during the last twelve months]. Requests will be evaluated on a case by case basis.

#### **3. Non-Qualifying Conditions**

Medical conditions including normal pregnancy, common surgeries, illnesses or injuries.

#### **4. Recipient**

The recipient must be a full or part-time employee who is eligible to accrue and use sick/vacation, has exhausted all paid leave, and has met the definition of a "serious medical hardship or catastrophic illness or injury." The donated leave must be utilized for the serious illness or injury of the employee and may be utilized for the care of an employee's legal spouse, child and/or other family member as defined by this policy and under FMLA.

#### **5. Additional Guidelines**

- a. Must have completed one [1] year of continuous service.
- b. The requesting employee must complete a written request form and submit to the Human Resources Department.



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- c. The maximum number of hours that an employee may receive in a lifetime from the bank is 480 hours or 672 hours if a Fire Department Operations employee. The City Manager, or designee, shall authorize the number of hours received at one time and approve these requests. The amount of pay received will be based on the recipient's current salary. These hours are based on FMLA calculations. Part-time employees will receive a pro-rated amount based on their work schedule.
- d. Employees are ineligible to use this Policy if they are receiving or have applied for Workers' Compensation Benefits. Employees are ineligible to receive sick donations once they begin receiving payments through Short/Long Term Disability benefits.
- e. Unused Leave will be returned to the Catastrophic Leave Bank.
- f. Finance/Payroll Department will administer the donated time and pay the recipient based on the current payroll schedule and deadlines for form submission. Time will be deducted from the donor's sick leave account into the catastrophic bank, and then paid to the recipient from the catastrophic bank.
- g. The City can amend or stop the program at any time.
- h. The City will comply with all HIPAA laws and regulations at all times. The identity of the donors and recipients will be kept confidential except as required to administer this Policy.
- i. In the event approved multiple requests are received to participate in the Catastrophic Leave Program, the hours may be divided equally between the recipients based on the balance in the Catastrophic Leave Bank.
- j. There is no appeal process if a request is denied.

### **6. Donating Eligibility**

- a. The leave donor may not revoke the leave donation once the donation is made in writing. The leave donor fills out and submits a leave donation form to the Human Resources Department. Leave donation is anonymous and cannot be designated to a specific employee.
- b. The donor may only donate actual sick time already accrued and not prior to accrual.
- c. The donor may not drop below a minimum of one [1] year of accrual (96 hours).
- d. The donor may not donate more than 96 hours in a fiscal year.
- e. If an employee is retiring, they may donate unlimited sick hours.
- f. Donations can only be used for current or future catastrophic needs and not to pay someone retroactively.



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- g. Donations must be made in 8-hour increments.

### J. Leave of Absence (Unpaid)

1. An unpaid leave of absence may be granted to an employee by the employee's Department Director and the Human Resources Department for a period of up to thirty [30] calendar days.
2. Any unpaid leave in excess of 30 calendar days must be granted by the City Manager, or designee, after receiving a recommendation from the Department Director.
3. Unpaid leave of absences should be job-related and not funded by the City.
4. The Department Director, the Human Resources Department and City Manager's authority under this section is completely discretionary.

### K. Compensatory Time

Compensatory leave is time off earned by a non-exempt employee in lieu of overtime pay.

Employees are encouraged to take compensatory time off to compensate for overtime hours worked.

1. Non-exempt employees compensatory time is earned at the rate of one and one-half [1½] hours for each hour of overtime worked. An employee entitled to receive overtime pay may, with the approval of the Manager/Supervisor, elect to receive compensatory time off instead of overtime pay. An employee may not accrue compensatory time unless the employee actually works more than forty [40] hours in one [1] week or works more than their established work period for overtime purposes [police and fire employees].
  - a. The Fire and Police Departments may require employees to accrue compensatory time to attend training classes.
  - b. The maximum amount of compensatory time that an employee may accrue and accumulate is 80 hours. When an employee accrues a balance of 80 hours of compensatory leave time, the City will pay overtime.
  - c. The employee's Manager/Supervisor must approve the use of compensatory leave time and the employee will be allowed to use it within a reasonable time.
  - d. If an employee terminates his/her employment with the City, the City will pay the employee their accrued balance of compensatory time at the employee's current rate of pay.
  - e. If an employee is promoted or transfers from a non-exempt position to an exempt



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position, the employee shall be paid his/her accrued compensatory time at the time of the promotion at their non-exempt position current rate of pay.

- f. An employee may provide a written request, to receive pay for accrued compensatory time. The City reserves the right to pay employees for their accrued compensatory time at any time.
- g. Compensatory time may be taken in increments of not less than one [1] hour.
- h. Exempt employees are not entitled to accrue compensatory time. Please reference *Discretionary Leave*.