

CITY COUNCIL POLICY 3-3-2

DISTRIBUTION: City Manager, All Departments

SUBJECT: **General Leave Policy**

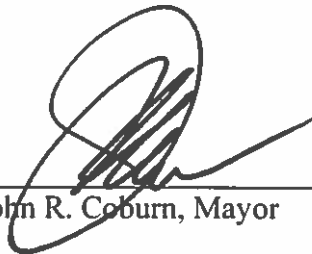
APPLICATION: Applies to All Employees (except as may be provided differently under the terms of a collective bargaining agreement (CBA) and/or associated CBA prevailing practices)

PURPOSE: Creation of a general leave policy that sets forth the public accountability, legal and administrative framework as well as listing the various leaves that are part of the total compensation framework related to City of Muskogee employment.

A. General Leave Policy

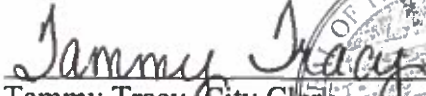
1. Under the principles of public accountability and in accordance with the Oklahoma State Constitution, the City of Muskogee is prohibited from paying any employee for hours not worked. The City of Muskogee provides various types of paid and unpaid leave benefits and types of leave that may be utilized in compliance with policies and/or contractual provisions when an employee is absent from work.
2. Leave is defined as an absence during regularly scheduled work hours that has been either authorized or not authorized by an employee's supervisor. Leave may be with or without pay. Absence without permission is considered unauthorized absence; unless it is determined the absence meets the criteria set forth in specific collective bargaining agreement provisions and/or City leave policies. Pay rates for paid leaves will be at the employee's base pay plus any out-of-classification pay that is ongoing and has been received for thirty (30) or more consecutive workdays.
3. In those situations where a non-exempt employee has utilized all available leave, the employee shall be placed in a "Leave Without Pay" status and his or her salary shall be reduced in accordance with the number of hours not worked. Exempt employees who have utilized all available accumulated leave shall not have their salaries reduced for less than a full day's absence due to the Federal Fair Labor Standards Act (FLSA) requirements except under and for certain specific circumstances provided by ordinance, policy, and/or the FLSA.
4. Employees covered under a collective bargaining agreement should refer to those agreements for any special or governing language associated with the various leave types. Issues not addressed by CBA provisions shall be considered to fall under general City leave policies as applicable for a specific type of leave and as noted within the City's specific administrative leave policies.

5. When an employee misses work for any reason and regardless of whether it is approved or unapproved leave, the employee's supervisor shall ensure that the leave is appropriately documented on an employee Leave Report and provided to the department's personnel/payroll clerk for proper leave recording. Expenditures of any leave should be requested and documented in advance on an employee Leave Report whenever possible. The minimum leave time expended shall be one (1) hour. All additional leave usage (above the one (1) hour) shall be documented and deducted based on the nearest quarter hour.
6. Failure by an employee to properly report leave or failure by a supervisor to ensure proper leave reporting shall be grounds for disciplinary action up to and including termination. This shall not preclude the allowance of Administrative Leave if approved in advance by an authorized supervisor and based on the employee being an FLSA qualified exempt employee.
7. The maximum leave time allowed for any type of employee leave occurrence involving non-job related injury and/or illness, regardless of the availability and use of paid leaves or unpaid leave, shall be six (6) months, which is inclusive of the customary twelve (12) weeks of leave provided under the Family and Medical Leave Act of 1990. Employees shall be reviewed for disability separation if they reach this timeframe and any additional earned leave benefits shall be provided to the employee according to normal leave policies or contractual provisions upon disability separation, except that any remaining Sick Leave shall be paid as if the employee had obtained retirement eligibility.
8. An employee who is on sick leave, exhausts other available paid leaves and/or enters into a period of Leave Without Pay status must be placed on inactive status at the end of the first full pay period following the first day of absence from a covered illness or injury to stop leave accruals and effect benefit tracking. Absences in excess of four (4) consecutive work weeks shall not be used in computing time in grade for wage increases or for completion of an employee's probationary period, unless required by law. The employee's department must initiate a Personnel Action to stop accruals and appropriate leave correction sheets (and/or when necessary to adjust leave accruals for any appropriate purpose).
9. Fulltime employees must return to fulltime status (forty (40) hours of actual work) within a workweek to be eligible for accruals to recommence after an extended absence. This procedure is due to the fact that it is not the intention of the City, or appropriate in terms of citizen accountability, to allow the accrual of paid leave benefits to be reinstated for employees who are not expected to remain at work consistently and/or allow employees to sporadically accumulate benefits without normal performance and attendance expectations being met.

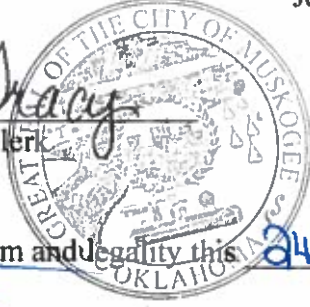


John R. Coburn, Mayor

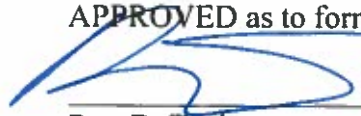
ATTEST:



Tammy Tracy, City Clerk
(SEAL)



APPROVED as to form and legality this 24th day of May, 2017.



Roy D. Tucker
City Attorney

B. Types of Leave

1. Leaves may be paid, unpaid, authorized or unauthorized depending on leave accruals, specific leave policies, supervisory approvals or non approvals, CBA provisions and/or the specific facts or duration of the particular leave. Some leaves may be concurrent, i.e., FMLA requires an employee use applicable paid leaves such as Sick Leave and/or Vacation Leave while on FMLA leave.
2. The following types of leave have been established for City employees and specific information on these leaves are found in either the collective bargaining agreements and/or the council policies as applicable:
 - a. Vacation Leave
 - b. Holiday Leave
 - c. Sick Leave
 - e. Administrative Leave
 - f. Military Leave
 - h. Injury Leave
 - i. Funeral/Bereavement Leave
 - j. Family Medical Leave
 - k. Training or Education Leave

C. Administrative Exceptions

Any administrative exceptions to this policy require advance approval of the City Manager or Human Resources Director as his/her designee and shall be documented in writing.

REFERENCES: Fair Labor Standards Act, 29 U.S.C. § 201 et seq.
Oklahoma Constitution and Statutes
City of Muskogee Charter

EFFECTIVE DATE: May 22, 2017

RESCISSION: This policy rescinds and supersedes all prior policies in conflict herewith

RESPONSIBILITY DEPARTMENT: Human Resources

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 22nd DAY OF May, 2017.