

CITY COUNCIL POLICY 3-3-3

DISTRIBUTION: City Manager, All Departments

SUBJECT: Vacation Leave

APPLICATION: Except as may be provided differently to those eligible under a collective bargaining agreement, this Policy applies to all City of Muskogee employees, which may exclude the positions of Police and Fire Chief. Although it is understood by state law that neither the Fire or Police Chief are covered under the terms of the respective collective bargaining agreement, for purposes of this policy, they may be entitled to the same vacation leave provisions as their respective collective bargaining unit.

PURPOSE: To govern and explain the administration of the Vacation Leave benefits.

Vacation Leave Policy and General Administration

- A. Employees are provided Vacation Leave which is a full, base wage benefit of leave time that accrues to employees. The goal of Vacation Leave is to allow the employee an opportunity to have a period or periods of time away from work each year which provides an opportunity for the employee to recharge and refresh and/or spend quality time on hobbies, outside pursuits and/or with family and others. While Vacation Leave may be used for short term time off and/or in conjunction with time off for Holidays for example, all classified full time employees are encouraged to take one (1) consecutive week of Vacation Leave each year to achieve the goals stated for this benefit.
- B. Vacation Leave shall normally be scheduled at least forty eight (48) hours in advance. Vacation Leave shall not normally be approved and/or paid to an employee who fails to gain prior, written approval by the supervisor. Exceptions to this prior scheduling or approval rule shall be approved only by department heads or their designee.
- C. A department head or designee shall grant Vacation Leave considering the efficient operation and work requirements of the department and, whenever possible, the personal considerations and seniority of the employees making Vacation Leave requests. Vacation Leave shall not be unreasonably denied and any reasons for denial involving requests equal to or in excess of five (5) days of Vacation shall be provided to the employee by the supervisor in writing.
- D. Minimum vacation leave expended shall be one (1) hour. It is not the intention of this policy for employees to routinely use vacation in one (1) hour increments, nor shall such usage be allowed frequently and/or repeatedly unless a supervisor deems such an accommodation is not a detriment to the work unit. As involves Vacation Leave above the one (1) hour minimum usage requirement, additional leave usage shall be documented, rounded and deducted based on rounding to the nearest quarter (1/4) hour. Holidays arising during a period of Vacation Leave shall not result in any deduction of Vacation Leave on the day of the Holiday or day of Holiday observation.
- E. Vacation Leave shall not be used during a period of disciplinary suspension. Additionally, Vacation Leave shall not be utilized for purposes of personal or family illness unless all available Sick Leave has been exhausted. However this prohibition to utilize Vacation Leave in place of

Sick Leave shall not apply to Vacation Leave scheduled at least forty eight hours (48 hours) in advance.

- F. Vacation Leave accrued by an employee who transfers from one department to another shall be transferred to the new department unless an employee is moving into a position as a sworn Police or Fire employee for the first time. In such cases, the employee shall be paid out for previous accrued Vacation Leave (and/or Compensatory Leave) time and shall then start (new) accruals as a new hire/probationary sworn employee within the Police and/or Fire Department.
- G. Vacation Leave usage shall at no time exceed the amount of Vacation Leave previously accrued/earned by an employee except as involves Leave Donation provisions. If an employee is deemed working within an emergency situation that would require that employee to continue working and would result in the forfeiture of further accruals based on the employee being at the maximum accrual level (topped out), special payment at regular pay rates for up to forty (40) hours of Vacation Leave may be provided to the employee with the advance approval of the City Manager. However both employees and supervisors shall make every effort to avoid such topped out Vacation Leave situations.
- H. Vacation Leave is normally compensated at the regular base pay, straight time rate applicable during the time the Vacation is taken by the employee. An exception to this rate of pay may be approved by the City Manager or designee if an employee has been working in a higher grade level/out of classification assignment for at least the prior ninety (90) days.
- I. Vacation leave may not be used as the last day of work. Upon separation, an employee shall be paid for the unused portion of accrued Vacation Leave through the last date of employment; however, an employee dismissed for embezzlement of City funds, theft or deliberate destruction of City property shall be ineligible for payment of accrued Vacation Leave.
- J. If an employee becomes ill while on Vacation Leave, Sick Leave can be used in place of Vacation accruals if the illness is verified by a doctor's statement. In any such case, the doctor's statement must be provided to the supervisor and include a reference to the estimated initiation date and the expected length (duration) of the illness.
- K. **Accrual of Vacation Leave:**
 - 1. Vacation Leave shall begin to accrue at the end of the first full pay period worked; (any previous partial pay period shall not result in any accrual). Temporary and part-time employees are not eligible for Vacation Leave accruals.
 - 2. Full-time, non-sworn employees accrue Vacation Leave as follows:

<u>SERVICE</u>	<u>ANNUAL ACCRUAL</u>	<u>MAXIMUM ACCRUAL</u>
Hire to 5 years	96 hours (12 days)*	120 hours
5 to 10 years	112 hours (14 days)	160 hours
10 to 15 years	136 hours (17 days)	200 hours
15 to 20 years	160 hours (20 days)	280 hours
<u>20 years and up</u>	<u>168 hours (21 days)</u>	<u>288 hours</u>

*8 hour equivalent days

- 3. Employees who are at their maximum vacation leave accruals at the end of any payroll period cannot be credited with further accruals until leave is taken and can be processed and

recorded. Any potential accruals not initially credited due to an employee being at the maximum of their accrual level are permanently.

4. Leave accrual rates are normally credited to employees based on division of the employee's appropriate annual accrual rate amount by twenty-six (26) pay periods per year. This may result in some adjusted individual check accrual amounts at the end of the year due to rounding or the number of pay periods.
 5. Employees who are either on Leave Without Pay status or who fall within the provisions of the FMLA policy regarding inactive status shall cease to accrue Vacation Leave at the completion/end of the first full pay period following the first day of such absence.
 6. Prior service or service as a temporary or part-time employee (if any) shall not be used to determine vacation leave accrual.
- L. Any Vacation Leave 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.
- M. Employees covered under the terms of a collective bargaining agreement should refer to the agreement for the controlling language concerning this benefit.

REFERENCES: N/A


EFFECTIVE DATE: September 10, 2018

RESCISSION: This policy rescinds and supersedes any prior policy in conflict herewith.

RESPONSIBLE DEPARTMENT: Human Resources

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 10th DAY OF September, 2018.

ATTEST:


Tammy L. Tracy, City Clerk
(SEAL)




JOHN R. COBURN, Mayor

APPROVED as to form and legality this 21st day of September, 2018.


Roy Tucker, City Attorney