

**RESOLUTION NO. 631**

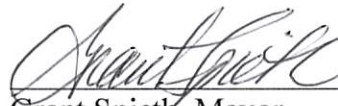
A resolution by the City of Columbus, Kansas, adopting Article IX, entitled, "Leave Provisions", of the Personnel Regulations for the Employees of the City of Columbus, Kansas.

WHEREAS, the Governing Body reviewed and approved Article IX, included as exhibit to this resolution, at the August 1, 2022 City Council meeting;

NOW THEREFORE, be it resolved by the Governing Body of the City of Columbus Kansas, that Article IX of the Personnel Regulations for the Employees of the City of Columbus, Kansas, shall be adopted.

Passed and approved by the Governing Body of the City of Columbus, Kansas, this 6th day of September, 2022.

CITY OF COLUMBUS, KANSAS

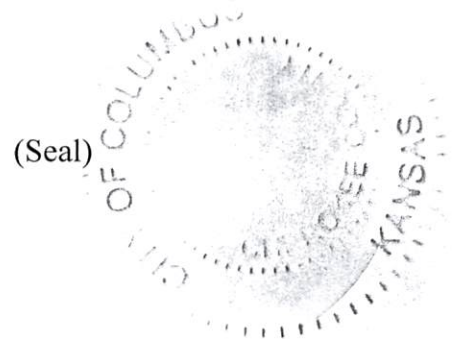


Grant Spieth, Mayor

ATTEST:



Cherri Chancellor, City Clerk



**ARTICLE IX  
LEAVE PROVISIONS**

**IX – 1 Vacation leave benefit**

Vacation leave shall be earned and accrued from the most recent day of employment under the conditions hereinafter stated, but no vacation leave shall be granted until the employee has completed their 90-day probation period. An employee who works less than twelve (12) days, ninety-six (96) hours in any month shall accrue no vacation credit for such month of service, provided the limit of ninety-six (96) hours shall not apply to an employee on vacation or sick leave. No employee shall be permitted to use vacation time for any period spent on unauthorized leave, participating in any unlawful work stoppage, or while on suspension.

**IX – 2 Vacation leave accrual**

Vacation leave shall accrue at the following rates for personnel based upon their initial date of employment:

- A. Full-time employees: Full-time employees with less than one year of service shall earn four (4) hours of vacation for each month of employment. Employees with more than one year and less than ten years of service shall earn eight (8) hours of vacation for each month of service. Employees with ten years and less than fifteen years of service shall earn ten(10) hours of vacation for each month of service. Employees with fifteen years or more of service shall earn thirteen and one-half (13 ½ ) hours of vacation for each month of service.

<b>Vacation Leave Accrual</b>		
<b>Years of Service</b>	<b>Monthly Accrual (Hours)</b>	<b>Annual Total Accrual (Hours)</b>
Less than 1 year	4	48
1 - 10 years	8	96
10 - 14 years	10	120
15+ years	13.5	162

- B. Temporary, seasonal or part-time employees shall not earn vacation credit.
- C. Probationary period: Employees within their first 90-days shall be credited with vacation leave for each month of employment but shall not be permitted to use any vacation credit until they have been granted regular employment status.

No leave request will be honored unless it is determined that the employee has sufficient leave accrued. It will be the decision of the Department Supervisor in conjunction with the City Administrator to grant leave without pay.

**IX – 3 Vacation leave use**

- A. Use of vacation leave: Vacation leave is available to eligible full-time employees to provide opportunities for rest, relaxation, and personal pursuits. Employees shall be

allowed to use vacation leave in increments of not less than one hour, which will not be detrimental to department operations as determined by the Department Supervisor. Proper notice is required; the longer the period of leave requested, the longer shall be the advance notice to enable scheduling.

- B. Exempt Employees: Use of vacation leave is recorded only if the employee is absent for at least one-half of the day or more (four hours or more).
- C. Recognized holiday occurring during leave time: A recognized holiday that occurs during a vacation leave is not counted as a day of vacation.
- D. Last Day: Employees should be at work on their last day of employment and not use vacation pay to extend their last day of work. Exceptions may be made for retirees and employees resigning in lieu of involuntary termination.

#### IX – 4 Sick leave benefit

Full-time employees shall be entitled to use sick leave with pay for absences due to their own illness, injuries, accidents or physical incapacitation, occurring either on or off the job or that of a spouse, child or parent. No employee shall be permitted to use sick leave for any period on unauthorized leave or participation in any unlawful work stoppage, or while on suspension.

#### IX – 5 Sick leave accrual

Sick leave shall accrue at eight (8) hours per month for each full month of service for full-time personnel based upon their initial date of employment.

#### IX – 6 Accumulation of leave

- A. No more than ninety-six (96) hours of accrued vacation leave may be carried over from one calendar year to the next. Employees will be permitted to use vacation leave in units of not less than one hour subject to approval of their supervisor.
- B. No employee may accrue more than four hundred eighty (480) hours of sick leave. Any absence for a fraction or part of a day that is chargeable sick leave shall be charged in increments of not less than one hour.

#### IX – 7 Leave accrual while employee is on paid leave

Leave continues to accrue during the period of time an employee is on paid leave. Leave does not accrue during periods of leave without pay nor during a period of terminal leave.

#### IX- 8 Sick leave use

- A. Generally: Accrued sick leave may be used by an employee upon satisfactory completion of their initial 90-day probation period and may be used when the employee is sick or injured while not in work status.
- B. Notification: To be eligible for paid sick leave, an employee shall notify his/her immediate supervisor of the reason for the absence no later than one hour after the beginning of the first workday for which sick leave is taken. The direct supervisor must be contacted on each additional day of absence.

- C. Doctor's Certificate: For any extended absence of two (2) or more consecutive full or partial workdays to be excused due to illness, hospitalization, medical observation, or treatment of injury, the employee shall be required to provide the Department Supervisor with an authentic certificate by a physician, surgeon, psychiatrist, dentist or other such licensed professional person stating that the employee is or was unable to perform his/her duties during sick leave absences.
- D. Abuse of sick leave: An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay and dismissal.

#### IX – 9 Injury leave

- A. Work Related: Any employee injured on the job shall be eligible to receive injury leave with pay during the waiting period for workers' compensation claims. Thereafter, the employee shall not receive pay from the City until the employee returns to work.  
*{This section requires legal review to revise in accordance with current workers' compensation laws.}*
- B. Non-work Related: No accommodations will be made for light duty until the employee has been fully released from their medical provider in writing.

#### IX – 10 Bereavement leave

- A. Full-time employees are eligible for bereavement leave after their initial 90-day probation period for the following family members of the employee or the employee's spouse's family:
  - Spouse
  - Son/Daughter
  - Mother/Father
  - Brother/Sister
  - Grandparents
  - Stepchildren
  - Stepparents
  - Stepbrother/Stepsister
  - Step-grandparents
  - Aunts/Uncles
  - Nieces/Nephews
  - Brother-in-law/Sister-in-law
  - Son-in-law/Daughter-in-law
- B. An employee may be granted bereavement leave not to exceed three (3) working days. Such leave, when granted, shall be granted as administrative leave. Additional days used beyond the three (3) bereavement days may be requested from unused sick or vacation leave unless the employee elects to take leave without pay. Bereavement leave is calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as shift differentials.

- C. Employees may be allowed two (2) hours off with pay to attend the funeral or visitation of a current or former City of Columbus co-worker.

#### IX – 11 Vacation leave buy back

Any employee with an annual vacation leave balance greater than forty (40) hours as of June 1<sup>st</sup> or December 1<sup>st</sup> of any given year is eligible to sell back a portion of their accumulated annual leave.

- A. The maximum amount of leave time that can be sold back each calendar year is sixty (60) hours.
- B. Employees requesting to sell back hours must have a vacation leave bank balance of at least forty (40) hours after the buy back.
- C. Requests for buy backs of annual vacation leave must be submitted by the Friday before the first pay period in June or December.
- D. Employees may sell back hours at each opportunity providing no more than a total of sixty (60) hours are sold back in one calendar year and their respective vacation leave balance is at least forty (40) hours after each sell back.
- E. Buy backs are available only at these two (2) times each year.

#### IX – 12 Disposition of accrued leave upon separation

- A. Upon separation during the first six (6) months after hire, accrued vacation leave shall not be paid out to the employee. In other separations, an employee shall be compensated for all unused vacation leave. In case of the death of the employee, compensation shall be paid to the employee's estate. The salary or hourly rate to be used in computing the payment shall be the base rate which is being received by the employee on the date that the application for payment or resignation/separation notice is signed by the employee.
- B. There is no cash-in of accrued sick leave.

#### IX-13 Reinstated employee leave

An employee who has terminated in good standing and who is re-employed within a period of 120 days shall receive credit for all unused sick leave accrued at the time of termination.

#### IX -14 Military leave

Military duty means training and service performed by an inductee or enlistee in the Armed Forces of the United States, including time spent in reporting for and returning from such training or service. It also includes active-duty training as a reservist in the Armed Forces of the United States or as a member of the National Guard.

- A. Eligibility: An employee who leaves City employment for military duty shall be placed on military leave without pay, such leave to extend through a date of thirty days after release from military service. If not accepted for such duty, the employee shall be reinstated in the past position without loss of status or reduction in pay. (See K.S.A. 73-213 *et seq.*)

- B. Restoration: An employee returning from military leave shall be entitled to restoration to the former employment position or a position of like pay and responsibility, provided the employee makes application for reinstatement within 30 days after release from duty and, provided further, the employee is physically and mentally capable of performing the duties of the position involved.
- C. Vacation and sick leave: Upon restoration to City service, the employee shall be restored all vacation and sick leave credits unless the employee was paid for unused vacation leave at the time of induction or enlistment.
- D. Military training: Any employee who is a member of any reserve component of the United States Armed Services or the Nation Guard shall be granted military leave for a short tour of active duty or field training encampment. (See K.S.A. 48-222)

IX-15 Civil leave with pay

- A. An employee shall be given necessary time off without loss of pay or longevity when:
  - Performing jury duty
  - Appearing in court as witness in answer to a subpoena
  - In an official capacity in connection with the City or as an expert witness either because of professional or observed knowledge
  - Performing emergency civilian duty in connection with national defense
  - For the purpose of voting when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work
- B. In order to be entitled to jury leave, the employee shall provide the Department Supervisor with written proof of the requirement of his/her presence for the hours claimed. Fees paid by the court (other than travel and subsistence allowed) will be turned in for deposit to the City's general fund, except for fees paid for court duty which occur on the employee's normal non-workdays, which may be retained by the employee.
- C. During regular scheduled work hours, an employee who also serves as a trained volunteer fire fighter for the Columbus Fire Department shall be permitted to respond to a second emergency call for the same incident from the Columbus Fire Department without loss of regular pay. The Columbus Fire Department shall continue to determine policy affecting fire fighters' compensation for call response.

For the purposes of this section, "respond to a second emergency call for the same incident" shall consist of the fire fighter/ City employee reporting to the Columbus Fire Department when reasonable to do so after the first call, and to depart from the Columbus Fire Department to provide emergency services only when a second call is made requesting additional manpower on the same incident. The City employee shall return to his or her job site as soon as possible.

IX – 16 Family and Medical leave

- A. Family and medical leave will be provided as required by state and federal law in effect at the time that the employee requests family and /or medical leave.

- B. An employee taking family and/or medical leave under state and federal law is required to substitute accrued vacation and sick leave for such leave until all leave is exhausted. Once accrued leave is exhausted, any remaining period of family and/or medical leave will be unpaid.
- C. State and federal law entitles an eligible employee to take up to twelve (12) weeks of family and /or medical leave in a twelve (12) month period measured backward from the date the leave is used.
- D. Employees requesting family and/or medical leave are required to comply with the thirty (30) day notice requirement, the certification requirement and other requirements of the Federal Family and Medical Leave Act when such requirements are applicable.
- E. While an employee is on unpaid family/medical leave, no benefits will accrue except health insurance which the approved City contribution will continue to be paid as long as employed by the City.

**IX – 17 Education leave**

- A. Meetings/Seminars: Any employee may be granted administrative leave with pay to attend meetings, seminars and conventions of professional and technical organizations when such attendance is properly authorized by the Department Supervisor and the City Administrator.
- B. Education leave: An employee may be granted administrative leave with or without pay for an extended period to further education or seek specialized training upon approval of the Governing Body. Leave with pay, not to exceed ten (10) weeks, may be authorized to include time to complete advanced training programs. Employees who have demonstrated above average performance with the City for a minimum of two (2) years (employees of police and fire departments shall be eligible after a minimum of one (1) year) shall be considered for such leave, providing the work situation permits a temporary absence without serious effect upon the department's schedule of activities.

Should an employee terminate prior to working one (1) year after completion of the approved training program, the employee will be subject to forfeiture of accumulated leave or salary in the amount equal to salary paid to the employee during the training program. No benefits shall accrue on this type of leave without pay.

**IX – 18 Leave without pay**

- A. Purpose and conditions: Employees, upon written request, and with the approval of the Department Supervisor and City Administrator, may be granted a leave of absence without pay for a period of one year subject to prior approval of the Governing Body. Each request for such leave shall be considered in the light of the circumstances involved and the needs of the organization. Leave without pay shall not be requested nor granted until such time as all accrued vacation leave has been exhausted, except when an employee is absent and drawing workers' compensation pay. No benefits will accrue while on leave without pay.

B. Family and /or medical leave without pay: Employees requesting family and/or medical leave under state and federal law are required to comply with the requirements contained in Article IX-17 of these polices.

1. Employees seeking unpaid family and/or medical leave beyond that required by state and federal law and employees seeking unpaid leave for any other reason are required to request such leave at least thirty (30) days before the unpaid leave is to begin if the need for leave is foreseeable. If thirty-day (30 day) notice is not practical; notice must be given as soon as possible.
2. The City may require, at its discretion, that a request for unpaid medical leave beyond that required by state and/or federal law be supported by a certification issued by the health care provider of the employee or the employee's ill family member.

**IX – 19 Change of anniversary date due to leave without pay**

If an employee uses more than thirty (30) calendar days total leave without pay during his/her leave year, his/her anniversary and length of service dates shall be advanced by the number of days such leave without pay exceeds thirty (30).

**IX – 20 Unauthorized leave**

Any absence not authorized and approved in accordance with provisions of these regulations shall be without pay for the period of absence and shall be grounds for disciplinary action.

**IX – 21 Light duty after injury or illness**

Generally, the City's departments and operations do not accommodate light duty for employees who are recuperating from non-work-related injuries or illnesses that prevent full job performance, as required by the employee's applicable job description. Employees shall obtain full releases from their physicians prior to returning to work.

In certain circumstances, and at the discretion of the workers' compensation affiliate, the City Administrator and the head(s) of the affected department(s), employees who have work-related injuries or illnesses may be assigned light work or duty before obtaining a full release from their physician. A light duty assignment may be made to any department where physical limitations can be accommodated, and the employee can contribute or provide service to the operation of City business.

All work-related medical issues that involve workers' compensation shall remain subject to State and Federal rules and regulations. The City's workers' compensation insurance carrier shall be directly involved and consulted at every stage of an employee's workers' compensation claim process.



## **IX – 22 Shared Leave**

The City of Columbus has in place a shared leave program to benefit eligible employees who have exhausted all sick and vacation leave. Employees who have fulfilled ninety (90) days of employment and have exhausted all paid leave may apply for shared leave for an employee's own qualified health condition or for a family member's qualified health condition. Qualified health conditions are defined as a medical condition of the employee or a family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to exhaustion of all paid leave apart from the shared leave program to be eligible for shared leave. An employee receiving workers' compensation for the same injury/illness is not eligible for shared leave.

- A. Eligible City employees may donate sick leave to a specific shared leave recipient, and the recipient can record shared leave and continue to receive pay instead of having to record leave without pay.
- B. An employee is eligible to donate sick leave if he or she has a sick leave balance of at least 200 hours after donating the respective leave.
- C. Applications requesting shared leave, along with supporting documentation, and shared leave donation forms shall be reviewed and processed by the Human Resources Department and all affected Department Supervisors on a case-by-case basis. Shared leave issues may be further addressed by the City Administrator when Human Resources find that it is necessary and in the best interests of the City and the employee.
- D. The employee requesting shared leave is responsible to work with his or her physician to provide complete and readable medical information in support of the request, along with the physician's certification as to the qualified health condition. The recipient's total sick leave used must not exceed 120 days, including their own accrued sick leave.