



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 5/12/2022

File ID: 2022-0353

Department: Human Resources

Subject:

Type of Action: Approval/Action

Ordinance to amend Section 10.6 (Annual Leave), Section 10.7 (Sick Leave), Section 10.8 (Family and Medical Leave), Section 10.14 (Leave Without Pay Unexcused) and Section 10.22 (Voluntary Leave Transfer Program) of Ordinance No. 04-315, Personnel Policies and Procedures Manual. (Introduced April 28, 2022, Regular Council Meeting)

Ordinance No. 22-301

Finance Information:

Account Number: N/A

City Cost Amount: \$ N/A

Total Cost: \$ N/A

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location:

Address: N/A

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments:

ORDINANCE NO. 22-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that Sections 10.6 (Annual Leave), 10.7 (Sick Leave), 10.8 (Family And Medical Leave), 10.14 (Leave Without Pay Unexcused) and 10.22 (Voluntary Leave Transfer Program) of Ordinance No. 04-315 (Personnel Policies and Procedures Manual), as adopted and approved on December 16, 2004, as amended, is hereby further amended as follows:

10.6 ANNUAL LEAVE (ORD. 07-897)

Accrual of annual leave for City employees will be as follows:

Less than 10 years of service -	4 hours per pay period
10 years to 15 years of service -	5 hours per pay period
15 years to 20 years of service -	6 hours per pay period
20 years or more of service-	7 hours per pay period

For purposes of determining years of service under this subsection, all time worked for the City of Huntsville will be considered, without regard to any break in service.

Annual leave accrued shall be prorated in the case of employees whose normal workweek requires a greater number of hours to be worked other than the standard forty (40) hour workweek.

Eligible employees will be credited with annual leave as it is earned. Annual leave becomes available for use at the beginning of the next pay period after which it was earned.

Leave time shall not accrue while in a non-pay status.

Supervisors and employees have a mutual obligation to plan and schedule leave. Consequently, if annual leave must be denied or previously approved leave canceled, an alternative period of time should be scheduled.

Employees may accrue and carry forward to the next calendar year 260 hours (or the equivalent for fire suppression employees) of annual leave, to be used at the discretion of the employee and the convenience of the City. In the event an employee is denied scheduled vacation by the Department Head or other designated representative for the convenience of the City, or is called back to work from a scheduled vacation, resulting in a carry-over balance in excess of the authorized maximum, the employee shall, upon request and approval of the Mayor, have such leave reinstated. Otherwise, any leave in excess of 260 hours (or equivalent for fire suppression employees) must be taken by the beginning of the first pay period in January or be forfeited.

An employee who is on scheduled annual leave and becomes sick or disabled, as supported by proper medical authority, may request such annual leave be changed to sick leave. Upon termination of employment, employees shall receive compensation for accrued annual leave, not to exceed the maximum 260 hours (or equivalent for fire suppression employees). In

the event of an employee's death, payment for all accrued annual leave credited to the employee's leave balance at the time of death shall be made to the beneficiary or estate of the deceased employee.

10.7 SICK LEAVE (ORD. 21-871)

(D) Sick Leave Accrual

Eligible employees shall be credited with sick leave at the rate of four (4) hours per pay period. Sick leave accrued shall be prorated in the case of employees whose normal workweek is less than the standard forty (40) hour workweek or requires a greater number of hours to be worked other than the standard forty (40) hour workweek. Sick leave becomes available for use at the beginning of the next pay period after which it was earned. There shall be no maximum amount of sick leave an employee may accrue.

Leave time shall not accrue while in a non-pay status.

No employee shall be authorized to take paid sick leave without proper and sufficient accrual. If such leave credits are inadequate to cover absences for which sick leave is granted, the time lost may be charged first to any other authorized accrued leave and then as leave without pay excused.

An employee will not be charged for sick leave on any legal holiday that may be observed by the City during the term of the illness.

All other provisions of Section 10.7 (Sick Leave) shall remain unchanged.

10.8 FAMILY AND MEDICAL LEAVE (ORD. 08-776)(ORD. 10-922)(ORD. 16-266)

(G) Employment and Benefit Protection

- (1) Eligible employees who have been granted family or medical leave under this policy shall be entitled, on return from such leave, to be restored by the City to the position of employment held by the employee when the leave commenced, if that position is vacant. If that position is not vacant, the employee shall be restored to an equivalent position with equivalent employment benefits, base pay, and other terms and conditions of employment in effect at the time the leave commenced.
- (2) Taking family or medical leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.
- (3) The City shall maintain coverage under any group health plan for the duration of any approved leave at the level and under the conditions that coverage would have been provided, if the employee had continued in employment. Employees will be required to pay all premiums for group health plans during the period of absence to maintain eligibility for such benefits. Payment will be due at the same time as it would be made if

by payroll deduction. The City will provide the employee with advance written notice of the terms and condition under which these payments must be made. The City reserves the right to use future pay checks to make up any arrears.

- (4) The City's obligation to maintain health insurance coverage will cease if the employee's premium payment is more than 60 days late. The City will provide written notice to the employee that the payment has not been received. Such notice shall be mailed to the employee at least 15 days before the coverage is to cease. The effective date of the cancellation of coverage, if premium payment is not deducted through payroll and is not received within 60 days, will retroactively cancel to the last paid-through date.
- (5) If coverage lapses because an employee has not made required premium payments, upon the employee's return from Leave, the City will restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payments had not been missed, including family or dependent coverage.

(H) Failure to Return to Work

- (1) The City may recover the premium that the City paid for maintaining coverage for the employee under a group health plan during any period of unpaid leave under this policy under the following conditions:
 - (a) If the employee fails to return from the leave, after the period of leave to which the employee is entitled has expired; and,
 - (b) The employee fails to return to work for a reason other than the following:
 - (i) The continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under Section 10.8(B)(1)(c), Section 10.8(B)(1)(d) or Section 10.8(C); or,
 - (ii) Other circumstances beyond the control of the employee.
- (2) The City may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition described in Section 10.8(H)(1)(b)(i) be supported by the following:
 - (a) A certification issued by the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate, in the case of an employee unable to return to work because of a condition specified in Section 10.8(B)(1)(c);

- (b) A certification issued by the health care provider of the eligible employee, in the case of a employee unable to return to work because of a condition specified in Section 10.8(B)(1)(d); or,
- (c) A certification issued by the health care provider of the covered service member being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in Section 10.8(C). The employee may be subject to section 10.14 Leave Without Pay Unexcused of the Personnel Policies and Procedures Manual.

All other provisions of Section 10.8 (Family And Medical Leave) shall remain unchanged.

10.14 LEAVE WITHOUT PAY UNEXCUSED

Any employee who, without good cause, fails to report to work, without the permission of his/her Department Head, Division Manager, or supervisor, shall be considered as on Leave Without Pay Unexcused and shall be subject to disciplinary action up to and including termination, and shall have all hours absent reported as Leave Without Pay Unexcused.

An employee who fails to report to work without permission of the Department Head, Division Manager, or supervisor for a period of three (3) consecutive workdays shall be considered to have abandoned the job and to have resigned without notice.

10.22 VOLUNTARY LEAVE TRANSFER PROGRAM (ORD. 06-97)(ORD. 10-922) (ORD. 11-257) (ORD. 21-871)

(A) Purpose

The purpose of the Voluntary Leave Transfer Program is to allow a regular, full-time employee of the City of Huntsville to transfer portions of his/her unused annual leave, accrued holiday leave or unused sick leave to another regular, full-time employee of the City of Huntsville, who is (or is expected to be) absent from duty, without available paid leave because of a medical emergency, for a period of time, which may be consecutive or intermittent.

(B) Definitions

Immediate Family Member: For purposes of the Voluntary Leave Transfer Program, immediate family member shall mean spouse, parent or child(ren) as defined in the City of Huntsville's Personnel Policies and Procedures Manual, Section 10.8 (A) of the Family and Medical Leave policy.

Leave Donor: The regular, full-time employee who voluntarily donates unused annual leave, accrued holiday leave or unused sick leave to a leave recipient.

Leave Recipient: The regular, full-time employee who qualifies and is approved to receive donated leave under the Voluntary Leave Transfer Program.

Medical Emergency: A medical emergency is a medical condition of either the employee or the employee's immediate family member that is expected to require the employee to be absent from full-time duty for a period of time, which may be consecutive or intermittent.

(C) Application to Become a Leave Recipient

Any regular, full-time employee of the City of Huntsville, entitled to use and accrue leave benefits, encountering a medical emergency, may make written application for such benefits by completing a "Leave Recipient Application Form." The employee must attach to the "Leave Recipient Application Form" a completed FMLA (Family and Medical Leave Act) medical certification or a completed Non-FMLA medical certification from the treating physician or healthcare provider documenting the employee's or the immediate family member's medical emergency. The applicable medical certification must include the following:

- (1) Identification of the nature of the illness and/or extent of injury;
- (2) Date of initial onset of this particular condition;
- (3) Anticipated date eligible to return to work on a full-time or intermittent basis; and,
- (4) Anticipated hours, if any, for follow-up examinations.

Any application which does not contain all required information and attachments is subject to rejection. In addition, other pertinent information and/or documents may be requested and/or required in order for a determination to be made.

The employee shall submit the Leave Recipient Application Form and the required medical certification to his/her Department Head. The Department Head will forward the submitted information to the Director of Human Resources. If such employee is not capable of making application on his/her behalf, another employee of the City of Huntsville or a member of the employee's immediate family may make application on behalf of the employee. However, before applying on behalf of another employee, every effort must be made to obtain consent from the potential leave recipient, or in situations where this is not possible, the potential recipient's guardian.

(D) Approval of Application

Application for a potential leave recipient shall be reviewed by the Department Head and a recommendation for approval or disapproval forwarded to the Director of Human Resources. The Director of Human Resources shall review the Department Head's approval or disapproval and forward recommendation to the Mayor who shall have final authority for approving the application.

The following criteria will be used to evaluate the application to become a leave recipient:

- (1) Whether the potential leave recipient has been affected by a medical emergency; and,

(2) The absence from duty without available paid leave, appropriate for the situation because of the medical emergency, is (or is expected to be) for a period of time, which may be consecutive or intermittent.

In evaluating the above criteria, the authorizing officials may take into account, for purposes of approving or disapproving the application, the manner in which the employee has utilized previous leave benefits, whether or not the emergency was foreseeable, the extent to which it requires the personal attention of the potential leave recipient, and whether there are reasonable alternatives available to being absent from the job, and any other circumstances unique to the medical emergency.

The general financial status of an employee will not be considered in determining whether a "medical emergency" is likely to result in a substantial loss of income.

If the application is approved, the leave recipient will be notified. Description information will be made available to all departments for other City of Huntsville employees to consider a request for voluntary donation of leave to the account of the leave recipient.

If the application is not approved, the applicant will be notified that the application was not approved and of the reasons for its disapproval.

Approval of an employee's application for leave pursuant to this Voluntary Leave Transfer Program does not constitute approval for leave pursuant to the Family and Medical Leave Policy or other leave programs which may have differing qualification criteria.

(E) Donation of Annual, Holiday or Sick Leave

The Department of Human Resources, upon final approval of the leave recipient's application by the Mayor, will distribute to each department of the City a description of the leave recipient's medical emergency which potential donors may review. Such description may have identifying information removed at the request of the leave recipient.

A regular, full-time employee, desiring to donate such authorized leave, must complete and submit to the Payroll Division a "Request to Donate Leave Form" requesting that a specified number of hours of his/her unused accrued annual leave, accrued holiday or unused sick leave be transferred from the current leave accrued to the leave account of an eligible leave recipient. A leave donor may not donate more leave than available as of the date of donation.

A leave donor may not request the return of donated hours. If the leave recipient has unused leave after the medical emergency ends, it will be restored on a pro rata basis to the leave donors who are still employed by the City of Huntsville in the manner described in subsection (H).

(F) Use of Transferred Leave

All annual leave, compensatory leave, holiday leave, and sick leave) accrued by the leave recipient shall first be used and depleted before using any transferred leave.

Leave privileges shall stop when the medical emergency terminates, as outlined in subsection (G).

(G) Termination of Medical Emergency

The medical emergency affecting a leave recipient shall terminate when any of the following occur:

- (1) The leave recipient's employment is terminated;
- (2) It is declared by the leave recipient or the authorizing officials that the recipient is no longer substantially affected by the medical emergency; or,
- (3) Application for disability retirement for the leave recipient is approved; or,
- (4) The leave recipient has returned to work on a regular, full-time basis.

The leave recipient may be periodically asked by his/her supervisor or an authorizing official to provide information on the status of the medical emergency to ensure that he/she continues to satisfy applicable requirements. Failure to provide the required information, as requested, may subject the employee to Section 10.14 (Leave Without Pay Unexcused) of the City of Huntsville's Personnel Policies and Procedures manual.

When the medical emergency affecting a leave recipient terminates, based upon the criteria in subsection (G), no further requests for transfer of leave to the leave recipient may be granted, and any unused transferred leave remaining to the credit of the leave recipient shall be restored to the leave donors in the manner described in subsection (H).

(H) Restoration of Transferred Annual, Holiday or Sick Leave

Any transferred leave unused by the leave recipient when the medical emergency terminates shall be restored, to the extent administratively feasible, to leave donors still employed by the City of Huntsville.

Transferred leave will be restored only when the total number of hours of unused leave equals or exceeds the number of eligible leave donors. The leave donor may not have more leave restored than the amount he/she transferred to the leave recipient.

To determine the amount of unused transferred leave to restore to each donor, the following formula will be used:

- (1) Divide the numbers of hours of unused transferred leave by the total number of hours of leave transferred to the leave recipient;
- (2) Multiply the ratio obtained in paragraph (1) by the number of hours of leave transferred by each leave donor eligible for restoration; and,

(3) Round the results to the nearest whole hour.

(I) Prolonged Absence from Full-Time Work (Continuous or Intermittent)

Employees, who are approved for the Voluntary Leave Transfer Program, may also be deemed eligible in accordance with Section 10.8 (Family and Medical Leave) of the City of Huntsville's Personnel Policies and Procedures manual. In addition, employees who are unable to return to work on a full-time basis or who return to work on an intermittent basis shall be subject to other applicable provisions of the City of Huntsville's Personnel Policies and Procedures manual.

(J) Prohibition of Coercion or Promise of Benefit

The decision to donate leave must be completely voluntary. An employee may not directly or indirectly intimidate, threaten, coerce, or promise any benefit to any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using leave.

ADOPTED this the _____ day of _____, 2022.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2022.

Mayor of the City of Huntsville, Alabama