



# City of Grand Island

Tuesday, January 27, 2009

Council Session

## Item G14

**#2009-23 - Approving Updates to Sections 3.11, 3.17, 3.23, 4.01, 4.11, and 4.12 of the Personnel Rules**

Staff Contact: Brenda Sutherland

# Council Agenda Memo

**From:** Brenda Sutherland, Human Resources Director

**Meeting:** January 27, 2009

**Subject:** Update the Following Sections of the Personnel Rules:  
3.11, 3.17, 3.23, 4.01, 4.11, and 4.12

**Item #'s:** G-14

**Presenter(s):** Brenda Sutherland, Human Resources Director

## Background

The City's Personnel Rules are a Council approved set of rules that define the working conditions for employees at the City of Grand Island. The Personnel Rules outline the working conditions for all non-union employees and are followed in part as they relate to the labor agreements with the AFSCME, IBEW, IAFF, and FOP bargaining units.

## Discussion

The changes that are proposed for Council consideration include the following:

Sec. 3.11 Worker's Compensation – Adding the sentence that states that leave taken in conjunction with worker's comp. is counted towards an employee's 12 week FMLA entitlement. This is and has been the practice at the City and the change is merely a housekeeping measure intended to provide written definition of our practice in the Rules.

Sec. 3.17 Family and Medical Leave Act - The majority of changes are required as a compliance measure with the new FMLA law update. The most noticeable change is the addition of the leave entitlement for an employee who has a spouse, parent, or child called to active duty and the addition of the military caregiver leave which entitles an employee up to 26 weeks to care for a spouse, parent, child, or next of kin who has been injured while on active duty. Worker's comp. was added to the section on concurrent leave stated in the same manner as the change noted above in Sec. 3.11. The last change is language to further define the employee's responsibility to make arrangements for their contributions to health insurance and any other voluntary benefit deductions. This is recommended to help employees not get so far behind on their contributions that they are difficult to make up and it also helps the City not to be put in a "collections" role with the employee should they decide not to return from their FMLA leave.

Sec. 3.23 Hours of Work – A sentence was added to note that overtime hours shall not be paid more than once for the same hours worked. This is language that is found in the various labor agreements as well and again is a housekeeping measure.

Compensatory Time – the phrase “in a calendar year” was added to define the accumulation of compensatory time so as to give supervisors better control over scheduling as it refers to the amount of time an employee may be away from work.

Sec. 4.01 Leave – A sentence was added to expressly state that once an employee has exhausted all of their accumulated banks and is in a “no pay” status, they will not accumulate additional leave hours. This is also found in most if not all labor agreements. It is already stated in the FMLA policy and would then be the policy for a situation that did not fall under FMLA.

Sec. 4.11 Personal Leave – The word “days” was removed as it can be used in hourly increments. There is also a deadline to use the personal days so that payroll is not overwhelmed at the end of the year with a barrage of manual entries.

Sec. 4.12 – Convenience Day – A deadline of December 15<sup>th</sup> was also added to this language for the same reasons as mentioned above in Personal Leave.

To recap, the changes to FMLA are primarily done for compliance reasons. The other changes are proposed to further define current policies or to state in writing the practice that is already in place.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the proposed policy changes
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

The Human Resources Director recommends that the Council approve the proposed changes to the City Personnel Rules.

### **Sample Motion**

Move to approve the proposed changes to the City Personnel Rules.

RESOLUTION 2009-23

WHEREAS, the City provides Personnel Rules for its employees as authorized by the City of Grand Island; and

WHEREAS, the following sections of the City Personnel Rules, namely Sec. 3.11, Sec. 3.17, Sec. 3.23, Sec. 4.01, Sec. 4.11, and Sec. 4.12 are amended as attached.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the sections as set forth above are amended.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such amendment on behalf of the City Of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

### Sec. 3.11 WORKER'S COMPENSATION

The City of Grand Island will comply fully with the Worker's Compensation Program that has been established under State statute.

When accidents occur at work, they must be reported immediately to the supervisor and the appropriate paperwork filled out at that time and sent in to the office. A supervisor must have prior knowledge and approve a doctor's visit. A doctor's report may be required to substantiate the injury.

The City may provide light duty work when possible for a defined period of time for employees that are injured due to a work related situation.

Leave taken in conjunction with worker's compensation injuries will be counted as part of the employee's 12 week FMLA entitlement.

### Sec. 3.17 FAMILY and MEDICAL LEAVE ACT

This policy establishes the rights and obligations of the City of Grand Island and its employees with respect to leave necessary for medical care of employees and their families pursuant to the ~~1993~~ Family and Medical Leave Act more commonly referred to as FMLA.

An employee must be employed by the City for at least 12 months (the 12 months need not be consecutive) to be eligible to receive leave under this policy. Additionally, the employee must have worked at least 1,250 hours in the year ~~preceding~~ ~~preceding~~ the date the employee seeks to start the leave.

Eligible employees are entitled to take up to 12 weeks of unpaid leave during a 12-month period for the following purposes:

- ~~childbirth~~ Childbirth, adoption or placement of a foster child within the first twelve months after birth or placement;
- ~~or to~~ To care for a child, spouse, or parent with a serious health condition
- ~~;~~ ~~or o~~ One's own serious health condition that make the employee unable to perform the functions of his/her position
- If the employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on active duty as a member of the National Guard or military reserves.

-A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. The City will observe a rolling 12-month period for purposes of tracking leave.

NOTICE OF LEAVE: When requesting leave, the employee must:

- Supply sufficient information for the City to be aware that the FMLA may apply to the leave request, as well as information regarding the anticipated timing and duration of leave;
- Provide the notice of the need for leave at least 30 days in advance or as soon as practicable;
- Cooperate with all requests for information regarding whether absences are FMLA-qualifying. Failure to comply may result in leave being delayed or denied.

~~Employees requesting leave due to the birth, adoption, or placement of a foster child are required to provide written notice at least 30 days prior to the date that leave is anticipated to begin or as soon as is possible if the event would occur earlier than anticipated.~~

MEDICAL AND OTHER CERTIFICATIONS: Employees requesting family leave related to the serious health condition of themselves or a child, spouse, ~~or~~ parent, or military caregiver leave may will be required to submit a health care provider's statement verifying the need for such leave, the beginning and ending dates, and the estimated time required. Failure to provide required certifications may result in the denial of the leave or request for leave on an intermittent basis.

The City, at its expense, may require a medical examination by a health care provider of its own choosing if it has a reasonable question regarding the medical certification provided by the employee. In lieu of a second opinion, the City may contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. Second opinions may not be required for military caregiver leave.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.

When both spouses are employed by the City, they are jointly entitled to a combined total of 12 weeks of leave if the leave is for the birth, adoption, or placement of a foster child or to care for a parent with a serious health condition. Each spouse is entitled to 12 weeks of leave if the leave is due to his/her own serious health condition or to care for a son, daughter, or spouse with a serious health condition.

MILITARY CAREGIVER LEAVE: An employee who is the spouse, parent, child, or next of kin of a current member of the armed forces who was injured while on active duty may be eligible for up to 26 weeks of FMLA leave in a 12-month period.

When both spouses are employed by the City, they are jointly entitled to a combined total of 26 weeks of leave in a 12-month period, including the types of aforementioned leave listed.

CONCURRENT LEAVE: An eligible employee that is taking FMLA leave is required to use all accrued medical leave before going on unpaid status. The employee may choose, but is not required, to use accrued vacation and personal leave prior to taking leave on unpaid status. Leave taken in conjunction with worker's compensation injuries will be counted as part of the employee's 12 week FMLA entitlement.

INTERMITTENT LEAVE: When medically necessary, employees may take FMLA intermittently or on a reduced schedule basis for their own serious health condition, the serious health condition of a family member, or for military caregiver leave. Employees are required to cooperate with the City to arrange reduced work schedules or intermittent leave so as to minimize disruption of business operations.

Qualifying exigency leave may be taken intermittently without regard to medical necessity or disruption of business operations.

Leave because of the birth or adoption of a child may not be taken intermittently and must be completed within the 12-month period beginning on the date of birth or placement of the child.

**BENEFITS WHILE ON LEAVE:** During any period of leave under this policy, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began. Employees who normally made a contribution toward their health insurance coverage must continue to do so. If the employee has leave banks accrued and is using them, the employee's contribution will be collected in the same manner as if the employee were reporting to work. However, if the employee's leave banks have been exhausted, the employee must arrange with the Finance Department prior to the start of their leave, for the payment of the employee's share of the premiums and other voluntary deductions to be made during their absence. Once an employee has exhausted all leave banks, they will not accrue any other benefits. This includes vacation time, medical leave time, holidays and personal days.

**RETURN TO DUTY:** An employee who has taken leave for his/her own serious health condition, will be required to present certification of fitness for duty from a health care provider prior to returning to work. Failure to provide certification may cause denial of reinstatement.

Upon return to duty, an employee is entitled to restoration of the former position or an equivalent position with equivalent pay and benefits.

### **Sec. 3.23 HOURS OF WORK**

The 40-hour workweek shall be the standard workweek unless otherwise provided. All employees may be required to work over 40 hours per week. Employees in non-exempt classifications shall be compensated at a rate of time and one half of their regular rate of pay for all hours worked over 40 in the work week. Exempt employees are not eligible for overtime for hours worked in excess of 40 during the workweek. For purposes of calculating overtime, hours worked shall include actual hours worked. Any payment for time not actually worked (leave time) shall not count towards the calculation of overtime. Overtime shall not be paid more than once for the same hours worked.

Department Directors may establish work periods and hours of work, which differ from the standard to meet special department needs or workloads with the approval of the City Administrator.

COMPENSATORY TIME: Compensatory time may be taken in lieu of time and half pay for overtime worked if approved by the Department Director. Each hour of overtime worked will be credited at one and one-half hours of time that can be taken off at a later date. The use of Compensatory time must be permitted by the Department policies and meet the Departments needs. These hours need to be recorded in the payroll system at the time of accrual and use.

When allowed by the Department Director, an employee may accrue no more than 60 hours of compensatory time in a calendar year. Any exceptions to this provision must have the written authorization of the Human Resources Director.

### **Sec. 4.01 LEAVE**

The following types of leave are established and shall apply to all employees covered by these rules and regulations:

1. Paid Holidays
2. Vacation Leave
3. Medical Leave
4. Accident Leave
5. Military Leave
6. Court Leave
7. Administrative Leave
8. Leave of Absence
9. Funeral Leave
10. Family Medical Leave
11. Personal Leave
12. Compensatory Time
13. Convenience Day

All departments shall maintain a record of each employee accounting for time worked. All types of leave used must be documented on an Absence Report form as provided by the Human Resources Department. Each department is responsible for keeping track of vacation and medical leave for the employees within the department. The records should reflect hours earned, used, and unused.

Once an employee has exhausted all leave banks, they will not accrue any other benefits. This includes vacation time, medical leave time, holidays and personal days.

#### **Sec. 4.11 PERSONAL LEAVE DAYS**

Personal leave must be used in not less than one-hour increments.

The City provides two non-cumulative personal leave days each calendar year to all full-time regular status employees. Personal leave days are provided to employees to use in lieu of medical days for routine medical visits and to allow employees to take care of other personal business.

One personal leave day must be taken ~~by within the first six months of the calendar year~~ June 15th and one personal leave day must be taken ~~by within the last six months of the calendar year~~ December 15th. Prior approval of the Department Director is required for the days that are requested off.

In addition to two personal leave days, the City will provide one annual personal leave day that will be granted at the beginning of the calendar year and must be taken by ~~the end of the calendar year~~ December 15th. Annual personal leave may not be taken in less than one hour increments.

#### **Sec. 4.12 CONVENIENCE DAY**

One convenience day will be granted each calendar year to all exempt employees. This leave must be used in a full-day increment by December 15<sup>th</sup> and the date of leave approved by the employee's supervisor.