

Chapter 21

Issue 2 07/18/2024

SUBJECT: PAID LEAVE

I. PURPOSE

The purpose of this procedure is to establish guidelines for the use of paid leave and provide for the consistent administration of paid leave benefits.

II. SCOPE

This procedure is applicable to all full-time, regular status employees. It may apply to certain other employees where specifically provided. Where any section, subsection, sentence, clause or phrase of this procedure is found inconsistent with either properly negotiated ratified memorandums of understanding or any other State or Federal law, the terms of such agreements or laws shall prevail. Exceptions to this procedure shall only be allowed when approved by the City Manager.

III. AMENDMENTS

This procedure may be amended by the City Manager.

IV. VACATION LEAVE

A. Eligibility - Full-Time, Regular Employees

Full-time regular status employees are eligible to take vacation leave after completing six months of continuous City service. Such employees begin to accrue benefits from their first day of employment.

B. Eligibility - Certain Part-Time, Temporary Employees

Part-time or temporary employees (including job-share positions) who have been authorized to work more than 1,040 hours in a fiscal year will be credited vacation on a prorated basis, on hours in excess of 1,040. The employee must meet the 1,040-hour threshold each year before vacation accrual begins.

C. Accrual Rate

Vacation leave for full-time regular status employees is granted in accordance with the following schedule:



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<u>Days Per Year</u>	
Years One through Five	10
Beginning of Year	6
	7
	8
	9
	10
	11
	12
	13
	14
	15
	16
	17
	18
	19
15 Years and Over	20

Vacation accrual rate is determined by the most recent full-time, regular status City service date. Service prior to an interruption in employment will not be considered toward the vacation accrual rate.

Employees in the Fire Department, working on a shift basis, will earn and be credited with annual vacation leave on an hourly basis, prorated according to employees assigned to a 40-hour work week. The initial accrual rate is 4.312 hours per 112 hours worked.

Eligible part-time employees accrue vacation on a prorated basis, determined by the number of hours worked divided by 80 hours, multiplied by the vacation rate. The initial and subsequent accrual rate upon which the proration is made is 10 days per year (3.08 hours per pay period).

D. Maximum Accumulation

The maximum amount of vacation accumulation is the equivalent of two years of vacation leave at the employee's current accrual rate.

Accumulation of vacation time is computed annually effective the first pay period after January 1 of each year. On this date, any employee who has accumulated vacation time in excess of the amount allocated for two years of continuous service shall stop accruing vacation leave until their balance is below the maximum amount described above.

Employees who are unable to schedule sufficient vacation time off prior to January 1 should submit a written vacation carryover request before December 31st to their Department Head. The request should specify the anticipated excess vacation amount, the extenuating circumstances, and the anticipated time frame in which the excess leave will be reduced below the maximum. The Department Head will then forward the request to the



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City Manager (and copy to the Human Resources Director) with their recommendations.

The City Manager will notify the employee and the Human Resources Department of their decision on the request. The Human Resources Department will then advise the Finance Department, payroll section, of authorized vacation carryover for that employee.

E. Unpaid Leave and Holidays

Vacation leave will not accrue while an employee is on a leave of absence without pay. Accrued vacation leave may be used to supplement sick leave if the employee has exhausted sick leave accruals.

Paid holidays occurring during vacation leave are not charged to vacation.

F. Advanced Leave

With the prior approval of the Department Head and Personnel Director, upon showing of good cause, an employee may be advanced vacation in an amount not to exceed five working days. The request should be submitted in writing, stating the time period and reason for the advance leave time, to the supervisor and Department Head. If the Department Head approves the request, they will submit a recommendation to the Human Resources Director for final approval.

An employee must complete six months of full-time regular status employment (or its equivalent) to be eligible for advance vacation leave benefits.

G. Authorization

Schedules of vacation for the City Manager, City Attorney, City Treasurer, and City Clerk are submitted for approval to the Mayor or other member of the City Council, as may be designated.

The City Manager will authorize all vacation schedules for department heads.

Department Heads are responsible for managing the vacation schedules in their departments and for administering the provisions of this procedure.

H. Scheduling

Vacations will be scheduled at such times as the Department Head finds most suitable after considering the wishes of the employee and the requirements of the department. To the extent practical, employees will be



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scheduled for vacation based on their preference, date of request, and in order of their length of continuous full-time service with the City. All requests for vacation must be approved by the Department Head or their designee in advance of the beginning of the requested vacation.

Employees shall return to duty from vacation leave in accordance with their authorized leave schedule. Employees who fail to promptly return to duty will be subject to disciplinary action and/or placed on unpaid leave status, except if authorization for extended leave has been granted in advance.

I. Annual Cash-Out

Cash-out of unused vacation benefits at the end of a year are authorized only where provided in accordance with a current memorandum of understanding or compensation plan.

J. Payout Upon Separation

Employees who terminate employment, whether voluntarily or involuntarily, shall be paid in a lump sum for all accrued vacation leave earned prior to the effective date of separation. The rate will be based on the employee's current hourly rate of base pay. The vacation leave benefits will be paid as part of the employee's final paycheck.

K. Management Leave

Management leave benefits may be provided to specified employees in accordance with the provisions of an approved compensation plan. Management leave accruals will be aggregated into the employee's vacation leave accrual. Employees must complete six months of full-time regular status employment prior to utilizing management leave or to cash-out management leave at the end of the calendar year.

V. SICK LEAVE

A. Eligibility

- i. Employees who work at least 30 days in a year are eligible for paid sick leave.
- ii. Employees covered by a Memorandum of Understanding, Agreement, or Contract shall receive sick leave pursuant to those terms consistent with the minimum statutory entitlements provided by law.

B. Accrual



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Accrual for Full-Time, Regular Employees:

- i. Full-time regular employees covered by an MOU shall accrue sick leave pursuant to their respective MOU.
- ii. Full-time regular employees not covered by an MOU begin accruing sick leave upon the date of initial employment. Sick leave is granted at the rate of one work day for each calendar month of service. For purposes of computing sick leave, a work day shall be considered as 1/5 of the number of working days or duty hours in the work week for each employee (except those assigned on a shift basis to the Fire Department). The accrual rate is 3.696 hours per pay period.
- iii. Employees in the fire department assigned on a shift basis shall earn sick leave at the rate of 5.5440 hours per 112 hours worked.
- iv. Sick leave will not accrue while an employee is on a leave of absence without pay. However, employees in Fire and Police safety positions receiving full salary in lieu of temporary disability, pursuant to Section 4850 of the Labor Code, are entitled to accumulate sick leave during a period of work-related temporary disability.
- v. A regular, full-time employee may accumulate sick leave on an unlimited basis. Payment for accumulated sick leave at the time of termination may be provided in accordance with the provisions of a memorandum of understanding or compensation plan. Provisions for retirement service credit for accumulated sick leave may be provided in accordance with the provisions of a memorandum of understanding or compensation plan.

Accrual for Part-Time and Temporary Employees:

- i. Part-time and temporary employees are eligible to accrue paid sick leave, beginning with their first day of employment, at a rate of 1 hour of sick pay for every 30 hours worked to a maximum of 80 hours annually.
- ii. Unused accrued sick leave hours will carry over from one year to the next, with July 1 as the carryover date for employees hired on or before July 1, 2024. For employees hired after July 1, 2024, a year is defined as the 12-month period from the employee's original month of hire.
- iii. Part-Time and temporary employees may use accrued sick leave beginning with their 90th day of employment with the City, up to **40**



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- iv. **hours or the equivalent of 5 regular work days**, whichever is greater, per year.
- v. Effective January 1, 2024, employees may not have a paid sick leave bank of more than **eighty (80) hours at any time**. When this limit (cap) is reached, no further sick leave hours will accrue, until the employee falls below the cap.

C. Use of Paid Sick Leave

- i. An employee may not use paid sick leave hours before they are accrued.
- ii. The minimum charge to paid sick leave is set at **one hour**.
- iii. An employee may submit an oral or written request to use paid sick leave for the following purposes:
 - a) Diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee or any of the employee's family members; or
 - b) For an employee who is a victim of domestic violence, sexual assault, stalking, or other crime in order for the employee to engage in any of the following activities: (1) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or their child; or (2) obtain medical attention or psychological counseling, services from a shelter, program or crisis center, or (3) participate in safety planning or other actions to increase safety.
- iv. For purposes of this policy, the term "family member" is defined as:
 - a) A child, which includes a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis;
 - b) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
 - c) A spouse;
 - d) A registered domestic partner;
 - e) A grandparent;
 - f) A grandchild;



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- g) A sibling; or
 - h) A designated person, which is any person identified by the employee at the time the employee requests leave. Employees may identify one person as a “designated person” during a 12-month period.
- v. Employees may use up to half of their annual accrued sick leave to care for a family member.

D. Employee Notification Obligations

- i. If the need for paid sick leave is foreseeable, the employee must provide reasonable advance written notice. For example, the employee’s supervisor should be notified of a scheduled appointment with the employee’s ensuing shift, but not less than three days prior to the scheduled appointment, if possible.
- ii. An employee may request to use paid sick leave on an unscheduled basis by calling their supervisor as soon as is practicable, but no later than within the first thirty (30) minutes of their scheduled start time if possible.
- iii. The employee shall not be required to search for or find, a replacement worker to cover the hours during which the employee uses paid sick leave, as a condition of using paid sick leave.
- iv. A supervisor, with the concurrence of the City Manager, or a designee, may require an employee to provide a written explanation from a physician, providing the reason for an unscheduled absence, and/or indicating that the employee is medically cleared to return to work.

E. Payment of Paid Sick Leave

- i. Paid sick leave hours will be compensated at the employee’s current hourly wage.
- ii. Paid sick leave will be paid no later than the payday for the next regular pay period after the sick leave was taken. (For example, if an employee called in sick for a shift and therefore was not paid for it but utilized paid sick leave, the City would pay the employee not later than the following pay period and account for it in the wage stub or separate itemized wage statement for that following regular pay period.) The employee is responsible for ensuring accurate reflection of sick leave taken on the appropriate timecards.
- iii. Payment will be based on the employee’s available accrual balance.



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F. Separation from Employment

- i. Any accrued, but unused, sick leave hours, prior to the employee's last day of employment, are lost at the time of resignation, termination, retirement, layoff, or other separation from employment.
- ii. If an employee is rehired within one (1) year of the date of separation, any lost accrued sick leave hours will be reinstated, and available for the rehired employee to use. The employee shall not be required to wait 90 days from their rehire date before paid sick leave hours can be used.
- iii. Regular, full-time employees entitled to sick leave cash outs by a Memorandum of Understanding, Agreement, or Contract shall follow those procedures.

G. Employer Notification and Recordkeeping Obligations

- i. The City shall provide employees with written notice, setting forth the amount of paid sick leave available for use. The notice will be provided either on the employee's itemized wage statement or in separate writing, provided on the designated pay date with the employee's paycheck.
- ii. The City shall display a poster at each workplace that contains information specified in the Labor Code.
- iii. The City shall retain paid sick leave accrual and usage records for a period of at least three (3) years. Such records will document the hours worked and paid sick leave hours accrued and used by each employee. An employee may request access to their records in the same manner, regarding itemized wage statements and pay stubs.

I. Voluntary Furlough

Employees may not utilize voluntary furlough in lieu of sick leave.

Employees who call out sick must utilize accrued sick leave. If sick leave is exhausted, employees may utilize their accrued vacation, ATO, or holiday pay.

J. Relation to Retirement

Sick leave is not allowed for compensated retirement and will cease to be paid whenever the employee voluntarily retires or the City Council establishes a retirement date (except as may be specifically provided in the



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Personnel Rules, City Code, an approved compensation plan or under a current memorandum of understanding).

K. Department Responsibility

It is the responsibility of each Department Head or designated supervisor to ensure the provisions of this procedure are observed. Corrective action should be taken in instances of suspected abuses or misinterpretations of the utilization of sick leave. Department Heads will ensure that any sick leave used will be reflected with the submission of time sheets.

VI. HOLIDAY

A. Schedule

1. The City shall celebrate the following holidays off with pay for regular, full-time employees:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in Feb.
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4th
Labor Day	1st Monday in Sept.
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in Nov.
Day After Thanksgiving	
December 24th*	
Christmas Day	December 25th

* December 24th will be observed as follows:

<u>If Dec. 24th Is On:</u>	<u>Holiday Observed On:</u>
Wednesday	Friday
Thursday	Thursday
Friday	Thursday
Saturday	Friday
Sunday	Tuesday
Monday	Monday
Tuesday	Tuesday

2. In the event a holiday falls upon a Sunday, the following Monday will be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday will be deemed the legal holiday.



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B. Working on Holiday

1. Employees who are required to be on duty due to 24-hour operations or in the interests of public health, safety, or general welfare shall be entitled to equivalent time off at the discretion of the Department Head. If this is not possible, the employee shall receive holiday pay rather than equivalent time off. Holiday accrual is limited to 40 hours (Refer to the current memorandum of understanding for specific payout provisions).
2. Non-exempt employees required to work on a designated holiday will be compensated at a rate for hours worked in accordance with the provisions of the current memorandum of understanding.

C. During Paid Leave

When a holiday falls within a period of paid leave, the holiday will not be counted as a leave day in computing the amount of leave debited (Specific conditions may be set forth in a current memorandum of understanding for receipt of holiday pay which should be evaluated prior to granting holiday pay in these circumstances).

D. During Unpaid Leave

An employee who is absent on an unpaid leave immediately preceding or following a holiday will not be granted the holiday.

VII. BEREAVEMENT LEAVE

A. General

Employees who have been employed for at least 30 days will be allowed to take bereavement leave to arrange for and/or attend the funeral. In accordance with Personnel Rule X, Section 4, immediate family shall mean spouse, domestic partner or the following relatives, whether by kindred (marriage) or affinity (blood relationship): child, father, mother, brother, sister, grandfather, grandmother, or grandchild. Current memoranda of understanding may provide paid leaves for other family relations.

B. Requests

All bereavement leave requests must be submitted on a "City of Lompoc Special Leave Request" form. Employees may be required to furnish satisfactory evidence to support the leave.

C. Paid Leave for Regular Full-Time Employees



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Regular full-time employees taking bereavement leave may receive paid leave. In no event shall paid bereavement leave exceed five working days. In addition, bereavement leave must be utilized within three (3) months of the date of death.

- Paid bereavement leave will be recommended by the Department Head, and authorized by the Human Resources Director or their designee. When necessary, final interpretations of the leave period criteria shall be made by the City Manager. The following criteria for allocating paid bereavement leave benefits have been adopted to maintain consistent City-wide guidelines:
 - Attendance at memorial services - one day
 - Travel for 150-299 miles one way - two days
 - Travel for 300 or more miles one way - three days
 - Employee's responsibility for memorial services, preparation, and related arrangements; employee's relationship to the deceased - 1-5 days

Regular full-time employees requiring bereavement leave beyond the paid leave allotted above may take additional unpaid leave and use accrued vacation, personal, sick, or compensatory time off to receive pay during the additional leave.

Bereavement leave in excess of five days require approval from the employee's department head.

- D. Employees not eligible for paid bereavement leave may take up to five days of unpaid bereavement leave. Employees may use accrued vacation, personal, sick, or compensatory time off to receive pay during bereavement leave. Bereavement leave in excess of five days require approval from the employee's department head.
- E. Employees who fail to return to work on the date specified to the Department/Division Head without receiving an extension are subject to disciplinary action, up to and including termination.

VIII. JURY AND WITNESS LEAVE

A. Criteria

All employees of the City who are required to serve on a jury, or as a result of official City of Lompoc duties are required to appear as a witness before a court or legislative committee shall be allowed authorized leave with pay, less any amounts received for such service, except travel pay.

B. Request



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It is expected that employees will provide the City with reasonable advance notice of request. Request for witness or jury leave shall be submitted on a "City of Lompoc Special Leave Request" form, accompanied by the jury summons or court order.

C. Duty Excused

Employees shall report to work on those days or parts of days when excused from jury duty or when jury duty does not conflict with their work schedule.

D. Return to Work

It is the employee's responsibility to report for employment at the end of the approved leave. Failure to do so will be considered a voluntary termination (subject to any applicable due process rights). It is the responsibility of the employee to provide proof of the court appearance and/or payment to the Finance Department, payroll section, upon receipt; the court service check portion of the payment will be adjusted against the next paycheck.

E. Status of Employee Benefits

All employee benefits in which the employee is enrolled will continue while the employee is on jury or witness leave.

Authorized: _____
Dean Albro, City Manager

Date