RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF DENTON, TEXAS, APPROVING THE INCREASE OF SICK LEAVE ACCRUALS FROM EIGHT (8) HOURS TO TEN (10) HOURS FOR FULL-TIME, NON-CIVIL SERVICE EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council established an Ad Hoc City Council Employee Leave Committee (the "Committee") on March 7, 2017 (via Resolution No. 2017-007), to review the City's policies regarding employee vacation and sick leave benefits and to make recommendations to the City Council on any changes Committee member deemed appropriate; and

WHEREAS, over the course of several meetings, the Committee reviewed the City's policies governing vacation and sick leave benefits; and

WHEREAS, on July 10, 2017, the Committee concluded its review and made recommended changes to the vacation and sick leave benefits, which recommended changes were presented to the City Council during its August 22, 2017 Work Session meeting; and

WHEREAS, at said Work Session meeting, the City Council recommended that the only change it desired to make was to increase sick leave accruals from eight (8) hours to ten (10) hours for full-time, non-civil service employees (sick leave accrual for part-time employees will be pro-rated accordingly); and

WHEREAS, City Staff has prepared this Resolution for City Council's review and approval of increasing sick leave accruals; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The City Council hereby adopts the amendment to the City's Sick Leave Policy, attached as Exhibit "A", which increases sick leave accruals from eight (8) hours to ten (10) hours for non-civil service employees.

SECTION 2. Said amendment to the Sick Leave Policy shall become effective October 1, 2017.

SECTION 3. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2017.

_____
CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: _____

Exhibit A

CITY OF DENTON

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION:	HUMAN RESOURCES	REFERENCE NUMBER: 111.01
SUBJECT:	APPROVED LEAVE	REVISED EFFECTIVE DATE: 01/01/99
TITLE:	SICK LEAVE	LAST REVISION DATE: 10/01/17

POLICY STATEMENT:

Sick leave is a benefit provided to cover illnesses of the employee or covered dependents, but it is expected that the actual use of sick leave will normally be less than the number of days which are provided per year. Sick leave accruals accumulate to provide the employee coverage for severe or catastrophic illnesses.

Although the City provides sick leave accrual at the rate of twelve days per year, excessive absences on the part of the employee may signal a performance problem to the supervisor. Continued use of sick leave at higher than average rates as defined by a department director may create situations within a work group which hamper accomplishment of the tasks. A supervisor may take remedial action by setting attendance goals or enforcing the appropriate disciplinary action.

Employees who die while in service of the City or while on authorized military leave of absence shall be paid for all unused sick leave not to exceed 90 working days. Payment shall be made to the estate of the employee or beneficiary of the sick leave benefit, whichever the employee has designated. Employees who leave the service of the City, except as provided for in this paragraph, shall not be paid for unused accrued sick leave. Civil Service employees are an exception to this rule; please see Section V of this policy for full details.

ADMINISTRATIVE PROCEDURES:

I. SICK LEAVE ACCRUAL (NON-CIVIL SERVICE)

A. Sick Leave Pay

No cash payments will be made for unused sick leave.

B. Accrual

1. Sick leave is accrued at the rate of ten hours (10) for regular full-time employees and prorated for regular part-time employees (seven and one-half (7.5) hours for three-quarter time employees and five (5) hours for half-time employees) for each month of continuous service (see Policy #106.08 Regular Part-time Employment).

Sick leave hours are accrued on the 1st and 15th of each month in halved amounts.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: SICK LEAVE	REFERENCE NUMBER: 111.01

For example, a full time employee accrues five (5) hours of sick leave on the 1st and 15th of the month, while a half-time employee accrues two and one-half (2.5) hours of sick leave on the 1st and 15th of the month. Sick time can be used during the pay period in which it is accrued.

Sick leave may not be used before it is accrued.

2. Sick leave may be accumulated up to a maximum of 90 days (720 hours for full time employees; 540 hours for three-quarter time employees; and 360 hours for half time employees). All employees with accrual in excess of 90 days (720 hours) prior to October 1, 1981, may retain all accruals until such accrual is down to 720 hours at which time the accrual can never exceed 720 hours (See Section V for Civil Service Accrual).

3. Sick leave will not accrue during any unpaid leave of absence (see Family & Medical Leave policy no. 107.04; Illness/Off Duty Injury policy no. 107.05; and Personal Leave Without Pay policy no. 111.08).

II. NOTIFICATION

A. To receive paid sick leave, an employee shall notify the supervisor or authorized representative at least 30 minutes before the time set for beginning of work.

B. **Employees are required to contact his/her supervisor daily if absent for more than one day, unless otherwise approved by the supervisor.** Exceptions would be hospitalization, a prolonged or catastrophic illness, or a determination by the City that the absences qualify as family and medical leave (see Family & Medical Leave policy no. 107.04).

C. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and that their time be charged to sick leave. A physician's statement will normally be required in such instances.

III. CONDITIONS FOR USE

A. Sick leave may be used in 15 minute intervals. Official holidays and regular days off shall not count against sick leave.

B. Sick leave may be allowed in cases of personal illness, doctor's or dentist's visits, or physical incapacity of the employee. Additionally, sick leave may be used when an employee is required to attend to his/her spouse, child, parent, or dependent who is ill, incapacitated, or incapable of self-care; or, to attend a bona fide counseling session by a qualified counselor. In the case of critical illness or emergency medical situations, sick leave may also be used for immediate family (spouse, father, mother, children, brother, sister, grandchildren, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter- in-law, and grandparent-in-law).

For purposes of this policy, a critical illness will be defined as a life-threatening condition. An emergency medical situation will be a medical condition requiring immediate treatment.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

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The City will apply the definitions under the Family and Medical Leave Act to determine familial relationships.

C. An employee who is expecting a new child and does not meet the requirements of Family & Medical Leave (policy no. 107.04) may use accrued sick leave as deemed necessary by the attending physician.

D. Supervisors may require satisfactory proof of illness or of the need for attending to a family member and may disallow any sick leave in the absence of such documentation.

E. After accumulated sick leave has been exhausted, employees may use authorized vacation time. Upon the exhaustion of all paid leave, the pay of an employee shall be discontinued until returning to work unless additional sick time has been approved through the Catastrophic Leave Donation directive (no. 111.05). When absence due to illness exceeds the amount of paid leave earned and authorized, the employee may be eligible for unpaid Family & Medical Leave (no. 107.04) or personal leave without pay (no. 111.08). Employees who qualify for Family & Medical Leave must comply with all provisions of the Family & Medical Leave policy (no. 107.04). For personal leave without pay, a leave of absence form must be submitted and approved.

It is the employee's responsibility to provide a doctor's prognosis and an estimated return date so the supervisor can determine whether the position can be left open or filled temporarily based on the following criteria:

-length of leave requested
-workload requirements
-employee's past work record
-employee's ability to perform in same position upon return

F. After 90 consecutive days of disability, the long-term disability plan will go into effect for all eligible employees who make application. Accrued sick leave may be used in conjunction with long-term disability to meet but not exceed an employee's regular pay.

G. Accrued sick leave may be used in conjunction with the workers' compensation plan to meet but not exceed an employee's regular pay (see Policy no. 104.10).

H. Sick leave benefits will not be paid for the same time an employee receives holiday pay, death in the family leave pay, vacation/bonus time pay or any other paid leave benefit.

I. When a non-exempt employee works overtime in the same work week sick leave is used, they should only utilize enough sick leave hours to ensure they receive a 40 hour pay check. For example, if an employee takes a full eight (8) hour day of sick leave on Tuesday but works 2 extra hours on Thursday during that same week, the employee should only be docked six (6) hours of sick leave.

J. An exempt employee is not subject to salary reductions for absences of less than eight (8) hours

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use unless he/she has exhausted all accrued leave (reference 29 CFR 541.710). The exempt employee is required to first use accumulated sick and vacation hours. If the employee has no sick or vacation accruals, the employee may be granted discretionary time or may be granted leave without pay.

IV. MISUSE OF SICK LEAVE

Misuse of sick leave by an employee affects the productivity of other employees in the workgroup, especially those who seek assistance, advice, or guidance from an absent employee.

"Misuse" is considered the use of sick leave for that which it was not intended or provided and may constitute a violation of this policy. Examples of "misuse" may include, but are not limited to, the following:

-Patterned sick leave usage before and/or after holidays;
-Patterned period of sick leave usage before and/or after weekends or regular days off;
-Patterned period of sick leave usage after pay days;
-Absence following overtime worked;
-Absence following denial of a vacation request;
-Continued pattern of maintaining zero or near zero leave balances; and/or
-Excessive absenteeism – the use of more sick leave than is granted.

Leave required by federal or state law such as Family and Medical Leave and Workers' Compensation shall not be considered when determining whether or not there is misuse of sick leave.

If a supervisor suspects that an employee is misusing sick leave, the supervisor has the discretion to require a suitable explanation or documentation to determine whether the sick leave was used according to this policy.

V. SICK LEAVE PAY AND ACCRUAL (CIVIL SERVICE)

A. Sick Leave Pay

Upon termination of employment with the City, Civil Service employees may be paid for accrued sick leave up to a maximum of 90 working days.

B. Accrual

Sick leave is accrued at the following rate for each month of continuous service:

1. Ten (10) hours for Police Civil Service as well as Fire Civil Service working 40-hour work weeks, with unlimited accrual.

2. Fifteen (15) hours for Fire Civil Service employees working a 12-hour shifts, with unlimited

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accrual.

Sick leave hours are accrued during the 1st and 15th of each month in halved amounts.