

<b>Policy Number and Title:</b>	107.03 Vacation Leave
<b>Policy Section and Chapter:</b>	Human Resources – Employee Benefits and Services
<b>Policy Type:</b>	Policy with Admin. Procedures
<b>Last Revision Date:</b>	06/28/2022

**POLICY STATEMENT**

It is the policy of the City of Denton to provide paid vacation leave to all regular full-time and part-time employees. Vacation hours for eligible employees are accrued on a monthly basis.

An employee is not eligible to use vacation hours until they have completed three (3) full months of regular employment. Vacation hours may not be used in advance of the hours being accrued.

Pay in lieu of taking vacation is not permitted except upon termination. Only employees who have worked with the City for three (3) full months are entitled to be paid for vacation at termination.

The intent of this vacation benefit is to provide time away from the work to pursue activities that will promote well-being and good physical, mental, and emotional health. In accordance with this provision, all full-time regular employees will be required to take at least five (5) days of vacation per calendar year.

Non-Civil Service

Vacation leave for full-time non-Civil Service employees is accrued at the rate of ten (10) hours per month of continuous service. For part-time regular employees, vacation leave is accrued at the rate equivalent to the budgeted pay classification, with three-quarters (3/4) employees receiving seven and a half (7.5) hours per month of continuous service and for half-time (1/2) employees receiving five (5) hours per month of continuous service.

Upon completion of five (5) years of continuous service, each full-time regular employee shall receive an additional four (4) hours of vacation leave. For every year of continuous service thereafter, the employee receives an additional four (4) hours for successive years beyond the fifth anniversary. Part-time employees (includes 1/2 and 3/4 time) are not eligible for additional vacation time.

<u>Example:</u>	<u>Additional Hours:</u>
5th Anniversary	4 Hours
6th Anniversary	8 Hours
7th Anniversary...	12 Hours...

The additional vacation hours accrue annually on the employee's anniversary date and are added to the existing vacation accrual in the timekeeping system. This annual accrual continues until regular full-time service with the City has ended.

## Civil Service

Vacation accrual rates for Civil Service employees are covered in the Texas Local Government Code, Chapter 143.046. The following are vacation accrual rates for Civil Service employees:

- Full-time Police Civil Service employees accrue vacation leave at the rate of ten (10) hours per month of continuous service.
- Full-time Fire Civil Service employees working a 40-hour workweek accrue vacation leave at the rate of ten (10) hours per month of continuous service.
- Full-time Fire Civil Service employees working a 56-hour workweek accrue vacation leave at the rate of fifteen (15) hours per month of continuous service.

Upon completion of five (5) years of continuous service, each full-time Civil Service employee shall receive the following per year, and for every year of continuous service thereafter until regular full-time service with the City has ended. The additional vacation hours accrue annually on the employee's anniversary date and are added to the existing vacation accrual in the timekeeping system.

- Police, 4 hours per year
- Fire, 4 hours per year for all personnel working a 40-hour workweek
- Fire, 6 hours\* per year for personnel working a 56-hour workweek

*\* [Proration based on twelve (12) hours equal one (1) day which is the calculation used to determine the hourly rate.]*

## Carry-Over Hours

An employee may accrue as many hours of vacation as they are eligible to accrue in a year with no restrictions on the number of unused vacation hours allowed to carry-over year to year; however, it is the employee's responsibility to manage the use and nonuse of their vacation leave effectively and take at least (5) days of vacation per year. The use of vacation leave cannot create an undue hardship on the department or result in a decreased service level.

Employees separating from the City may not use more than one week of vacation leave within two weeks before their separation date unless pre-approved by the Director of Human Resources or their designee.

## **ADMINISTRATIVE PROCEDURES**

### **I. ACCRUAL**

#### **A. Regular Full-Time Non-Civil Service Employees**

Vacation time for full-time non-Civil Service employees will accrue at the rate of five (5) hours on the 1st and 15th of each month of continuous service.

#### **B. Regular Part Time Employees (Includes 1/2 and 3/4 time workers)**

Part-time employees accrue prorated vacation hours determined by their budgeted pay classification on the 1st and 15th of each month: half time = 2.5 hours; three quarters = 3.75 hours.

Employees holding more than one part-time position may not accrue more vacation hours per month than a full-time employee. (See Part-Time Policy #106.08).

C. Civil Service Employees

Vacation accrual rates for Civil Service employees are covered in the Texas Local Government Code, Chapter 143.046.

D. Accrual Exceptions

Vacation leave will not accrue during an employee's extended unpaid leave of absence (see Family & Medical Leave policy no. 107.04; Off Duty Injury or Illness policy no. 107.05; and Personal Leave Without Pay policy no. 111.08).

**II. EMPLOYEES IN THEIR FIRST THREE MONTHS OF EMPLOYMENT**

Upon the completion of three (3) full months of service, regular full-time non-Civil Service employees will be credited with thirty (30) hours of vacation (earning 10 hours per month) on their 3-month anniversary date. Part-time employees budgeted to work one-half (1/2) time shall be credited with fifteen (15) hours at the completion of three (3) full months of service, and the employees budgeted to work three quarters (3/4) time shall be credited with twenty-two and a half (22.5) hours at the completion of three (3) full months of service.

After completion of three full months, the employee will continue to accrue vacation hours on the 1st and 15th of each month in halved amounts. For example, a full-time non-Civil Service employee accrues 5 hours of vacation time on the 1st and 15th of the month, a three-quarter time employee accrues 3.75 hours of vacation on the 1st and 15th of the month, and a half-time employee accrues 2.5 hours of vacation time on the 1st and 15th of the month. Vacation hours can be used during the pay period in which it is accrued.

**III. SCHEDULING**

A. The designated supervisor must approve all vacation leave, giving due consideration to the service needs and the ability of the remaining staff to perform the work of the department or division. It is requested that each employee will give their supervisor the maximum notice possible, but the employee must make the request at least three (3) working days in advance. The circumstances of individual departments (i.e., internal schedules, etc.) may require that more notice be necessary in order to arrange such leave.

- B. Accrual of compensatory time was eliminated in 2009; however, some Civil Service employees still have accumulated compensatory time. The supervisor may require the employee to use compensatory time before the use of vacation leave.
- C. A supervisor may approve vacation leave with less than three (3) working days notice provided:
  - 1. The employee makes their request prior to the start of the affected work shift (unless the emergency arises during the shift).
  - 2. The reason for the request is reasonable and of an emergency nature and does not create an undue hardship on the division.
  - 3. The employee is not requesting to use vacation leave in lieu of sick leave when the employee has accrued sick leave balances.
- D. Vacation leave must be taken in minimum intervals of 15 minutes.
- E. The maximum amount of continuous vacation leave that can be granted to an employee at one time is four (4) calendar weeks, unless approved otherwise by the department head.
- F. Vacation leave is not to be used in lieu of sick leave when the employee has accrued sick leave.

**IV. PAYOUT UPON TERMINATION**

- A. An employee who terminates employment with the City of Denton can be paid for any accrued vacation hours up to the maximum for non-Civil Service or Civil Service as follows:
 

Non-Civil Service, full-time	320
Non-Civil Service, three quarter-time	240
Non-Civil Service, half-time	160
Police Civil Service	320
Fire Civil Service (40-hour workweek)	320
Fire Civil Service (56-hour workweek)	480
- B. The payout of vacation leave shall be based on the vacation balance of the previous pay date less any time taken in the final pay period. Non-Civil Service employees who fail to successfully complete three (3) full months of employment will not be paid out any vacation.
- C. Employees terminated for gross misconduct, as determined by the City Manager, will not be paid out accrued vacation leave.

D. In the event an employee does not return all requested City property within their possession on or before the week of the issuance of the final check, they will not be paid accrued vacation leave.

**V. FINAL PAYMENT - DEATH OF EMPLOYEE**

An employee who dies while in active employment with the City is entitled to accrued vacation, as any other employee who separates employment. Employees are provided the opportunity to designate a beneficiary for accrued vacation. The person designated as primary beneficiary will be authorized to receive the final employee paycheck covering a deceased employee's accrued vacation benefit up to the maximum outlined in Section IV.

**VI. FAMILY AND MEDICAL LEAVE**

Notice requirements for vacation leave approval may be suspended in the event the employee is requesting Family & Medical Leave (policy no. 107.04). Employees who qualify for Family & Medical Leave must comply with all provisions of the Family & Medical Leave policy.

**VII. MISUSE OF VACATION LEAVE**

Vacation leave benefits will not be paid for the same time an employee receives sick leave pay, holiday pay, death in the family leave pay or any other paid leave benefit, nor shall an employee be paid vacation leave for absences that are subject to the Sick Leave policy (111.01) when the employee has an accrued sick leave balance.

**VIII. SEASONAL AND TEMPORARY EMPLOYEES**

Temporary and seasonal employees shall not earn or accrue vacation leave or be entitled to vacation leave pay upon separation.

**REFERENCES**

- City Policy 106.08 Part-Time Policy
- City Policy 107.04 Family and Medical Leave
- City Policy 107.05 Off Duty Injury or Illness
- City Policy 111.01 Sick Leave
- City Policy 111.08 Personal Leave Without Pay

**REVISION HISTORY**

Revision Date	Policy Owner	Summary
06/28/2022	S. Kuechler (HR)	• Policy Statement Revised by City Council on 06/28/2022
01/27/2021		• Policy Document Revised
08/21/1984		• Initial Effective Date