

RESOLUTION NO. 14-016-00

RESOLUTION AMENDING THE CITY OF LEANDER PERSONNEL POLICY

WHEREAS, Article 9.03.003 of the Code of Ordinances states that modifications and amendments to the City's personnel policies shall be approved by the City Council by resolution, and;

WHEREAS, the City Manager has recommended certain amendments to the current Personnel Policy now in effect, and;

WHEREAS, the City Council finds these changes to be beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS THAT:

Section 1: The following sections in the City of Leander Personnel Policy are hereby amended.

Article 4. Applications and Conditions of Employment

Section 4.12. Types of Positions.

Regular Full-Time Employee. Regular full-time employees are those employees that have completed the evaluation and training period, and that meet the other requirements of this section. Police Officers shall be considered regular full-time employees if the position is budgeted for eighty (80) or more hours per two week period for fifty-two (52) weeks per year. Firefighters employed by the City shall be considered regular full-time employees if the position held is budgeted for two hundred twelve (212) or more hours per twenty-eight (28) day work cycle for fifty-two (52) weeks per year. (Hereinafter referred to as 24/48 hour Fire Department Employees.) Regular full-time employees may be considered exempt or non-exempt. Exempt employees shall have the same meaning as provided in the Fair Labor Standards Act. Non-exempt employees are generally paid by the hour, and are eligible for overtime compensation. Employees in regular full-time positions shall be eligible to participate in group insurance programs and be paid for holidays, and accrue vacation and sick leave.

Article 5. Attendance and Leave

Section 5.01. Vacation Leave. Vacation leave is earned by regular full-time employees according to the schedule set forth in paragraph (a) below. No vacation or other annual leave will be earned by temporary or part-time employees.

(a) Regular full-time employees shall be eligible for vacation leave as scheduled with the approval of the department head or, as applicable, City Manager, to the extent of leave accrued and credited to the employee. Part-time employees shall not be eligible for vacation leave. An Evaluation and Training employee shall accrue vacation but shall, upon the satisfactory completion

of evaluation and training, be credited with vacation leave for each month of employment. However, an Evaluation and Training employee may not take vacation leave until the evaluation and training period is over without Department Head approval. Vacation leave shall thereafter accrue as follows:

Vacation leave for all full-time Department Heads shall accrue vacation leave as follows:

1-9	years service – 15.0 days per year (4.6154 hours bi-weekly)
10-14	years service – 18.0 days per year (5.5385 hours bi-weekly)
15+	years service – 21.0 days per year (6.4615 hours bi-weekly)

Vacation leave for all regular full-time employees shall accrue vacation leave as follows:

1 - 4	years service - 12.0 days per year (3.6923 hours bi-weekly)
5 - 9	years service – 15.0 days per year (4.6154 hours bi-weekly)
10 - 14	years service - 18.0 days per year (5.5385 hours bi-weekly)
15+	years service – 21.0 days per year (6.4615 hours bi-weekly)

Vacation leave for all 24/48 hour Fire Department employees shall accrue vacation leave as follows:

1 – 4	years service – 144.0 hours per year or 6.0 shifts per year (5.5385 hours bi-weekly)
5 – 9	years service – 180.0 hours per year or 7.5 shifts per year (6.9231 hours bi-weekly)
10 – 14	years service – 216.0 hours per year or 9.0 shifts per year (8.3077 hours bi-weekly)
15 +	years service – 252.0 hours per year or 10.5 shifts per year (9.6923 hours bi-weekly)

(b) It shall be the duty of the respective department head to monitor vacation schedules to ensure that an adequate work force is available. All requests for vacation will be made a minimum of 10 days in advance, except in cases of an emergency, by the employee completing and delivering a leave form to the employee's department head, who will sign the form if the leave is approved. If the form is not complete, is not submitted in a timely manner, or the employee does not have the requested time, the form will be returned to the employee, or to the supervisor who will notify the employee.

(c)

Maximum Vacation Leave Accrual. Unused vacation leave time may be accumulated up to a maximum of two times the annual hours allowed to be accrued by the individual as determined by the employee's years of service indicated in (a) above.

(f) In the event that an employee resigns, dies or is terminated after the satisfactory completion of evaluation and training, accrued vacation time shall be paid as permitted by Section 6.07 Termination Pay.

Section 5.03. Workweek.

(a) All full-time employees will work over thirty-two (32) hours per week; provided that all full-time Police Officers will work eighty (80) hours per fourteen (14) day work cycle, and full-time Fire

Fighters will work two hundred twelve (212) hours within a twenty-eight (28) day work cycle, except in circumstances where a different schedule is required or management directs otherwise, and all regular full-time employees shall accrue all employee benefits as described herein. The City Manager and designated employees will be subject to 24 hour call.

Section 5.07. Holidays. The City will observe the following holiday schedule.

New Year's Day	Labor Day
Friday before Easter	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
4th of July	Christmas Eve
MLK Day	Christmas Day
Veteran's Day	

The City Council may add, change, or delete the official holidays. The following provisions shall apply to holidays:

- (a) As many employees as reasonably possible in the discretion of the City Manager shall be given each holiday off consistent with the maintenance of essential municipal functions.
- (b) Regular full-time employees shall be entitled to a paid/credited holiday equal to eight (8) hours of such employee's regular rate of pay. No hours worked will be reflected on the employee's time sheets for holidays for which the employee is paid and does not work. Holiday leave time taken will not be included in the calculation of overtime.
- (c) In the event any regular full-time employee of the City is required to work on a City holiday, regardless of whether the employee was scheduled or not to work, such employee shall be credited with holiday compensatory time of eight (8) hours and be paid for the actual hours worked. Such compensatory time may be taken within the same pay period during which it was earned. In the event the employee does not use his/her accrued holiday leave during the same period in which it was earned, the accrued holiday hours will be converted to vacation leave and added to the employee's leave bank. Holiday leave time taken will not be included in the calculation of overtime.
- (i) Holiday pay/credit will be granted for an employee who is out on an occupational injury only if employee has at least one (1) hour of combined leave in his/her vacation and sick leave bank (Active Status).

Section 5.18. Accrual of Leave While on Extended Leave.

Employees on leave or otherwise off work for more than 15 consecutive business days will not accrue, holiday, vacation or sick leave while on leave or away from work, unless approved otherwise in writing by the City Manager.

Article 6. Wages and Salary

Section 6.07. Termination Pay. All employees who terminate employment with the City shall receive all pay which may be due, subject to the following qualifications and exceptions:

(a) Only regular full-time employees who have satisfactorily completed their probationary period prior to termination will be paid for accrued vacation leave up to 168 hours and if an employee terminates before the end of a pay period, the employee will be paid for the total hours actually worked through the employee's termination date at his/her calculated hourly rate; and

Article 10. Benefits

Section 10.05. Insurance. Life, health, and dental insurance are provided to all regular full-time employees through a group insurance policy. Life, health, and dental insurance are not provided to temporary, seasonal, or part-time employees. This insurance is provided by the City for the employee at no cost to the employee. At the employee's option and expense, dependent insurance coverage is also available. The City may contribute a percentage of the supplemental dependant coverage for health and/or dental insurance as provided for in the City's operating budget. In addition to any benefits provided by State Law, Retiree's may continue their health benefits with certain limitations to retirees and their dependents who were covered under the health plan at the time of retirement and the City will contribute a percentage, not to exceed 30%, to the retiree's total premium, as provided for in the City's operating budget. Coverage may be continued with certain limitations upon termination other than retirement provided the premiums are paid entirely by the employee. These limitations are consistent with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

APPENDIX 4

Calculation of Hours of Work

When computing non-exempt employees' hours of work as provided in Article 5 of the Personnel Manual, the following definitions and methods of calculating hours of work shall apply:

Compensatory Time. One and one-half hours shall accrue for all hourly employees electing to accrue compensatory time in lieu of overtime pay for each hour of work in excess of regular time worked in a workweek or workweek cycle. No employee shall accrue compensatory time without an agreement in writing to accept compensatory time in lieu of overtime pay.

Vacation and Sick Leave for 24/48 hour Fire Department employees. The City recognizes that non-exempt full-time Firefighters assigned to suppression duties accrue vacation and sick leave at a higher rate than other City employees because of their fifty-three (53) hour average work week cycle to which they are normally assigned. When a Firefighter is assigned to a position with a forty (40) hour work schedule, the fire fighter will begin accruing vacation and medical leave at the same rate as other forty (40) hour per week City employees. When a Firefighter on a forty (40) hour work week returns to the regular fifty-six hour average work week cycle, vacation and sick leave will accrue in accordance with other fifty-six hour work week employees. This article excludes light duty assignments of less than ninety (90) calendar days.

Holiday Compensation. All full-time hourly employees shall be paid an amount equal to eight (8) hours of

pay at the employee's regular rate of pay for regular time for each holiday recognized by the City. This time shall not be paid at overtime rate. Employees actually working the holiday shall receive eight (8) hours of compensatory time in lieu of holiday compensation.

Hours of Work. All of the time an employee is on duty at the employer's establishment or at a prescribed work place, as well as all time during which the employee is suffered or permitted to work for the employer shall constitute the hours of work. In calculating hours of work, such time shall not include the following utilized time periods during the workweek: vacation time, rest or meal periods as provided herein, sick time and any compensatory time utilized.

Lectures, Meetings and Training Programs. Approved attendance at lectures, meetings, training programs and similar activities shall be hours worked unless: it is outside normal hours, it is voluntary, not job related and no other work is currently performed.

On-Call Time. An employee who is required to remain on call on the employer's premises is working while "on call." An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is not working while on call.

Overtime. Time and one-half the regular rate of pay shall be paid to non-exempt employees for each hour of work in excess of regular time worked in a workweek or workweek cycle.

Part-time Accrual Rate. All part-time non-exempt employees shall not accrue holiday compensation, vacation, sick leave and other permitted benefits at a prorated share of the compensation similarly provided to full-time regular employees for the actual hours worked in a workweek or workweek cycle.

Regular Time. Forty (40) hours of actual work per workweek shall constitute regular time before a non-exempt employee is eligible for overtime or compensatory time. Police Officers who are regularly scheduled to work eighty (80) hours or more of work per two-week work week cycle shall be full-time regular employees. All 24/48 hour Fire Department employees must work two hundred twelve (212) hours of work per twenty-eight (28) day work cycle as regular time before a 24/48 Firefighter is eligible for overtime or compensatory time. In calculating regular time, such time shall not include the following utilized time periods during the workweek: vacation time, rest or meal periods as provided herein, sick leave, compensatory time utilized and other periods of time not otherwise permitted to be included as actual hours of work.

28 Day Work Cycle. Twenty-eight (28) consecutive twenty-four (24) hour days, or a total of 672 hours, beginning at Saturday 07:00 am and ending at 06:59 am on the twenty-eighth day.

Rest and Meal Periods. Rest periods of a duration of 20 minutes or less are hours of work. Any rest periods of longer duration are not counted as hours of work. Meal periods of greater than 20 minutes for which the employee is completely relieved from duty for the purpose of eating a regular meal are not counted as hours of work. Meal periods for which the employee is not relieved and is required to perform duties, whether active or inactive, while eating are hours of work.

Standby Compensation. On-call shifts for which compensation is not required to be paid may be deemed in advance in writing by the department head as standby shifts. All standby shifts shall be compensated at a rate permitted for such shifts, and hours on standby shall not be included in computing hours of work. Standby compensation must be properly authorized.

Travel Time.

(a) Home to Work Travel = an employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not counted as hours of work.

(b) Home to Work on a Special Day Assignment in Another City = an employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except the time the employee would normally spend commuting to the regular work site.

(c) Travel to Work Sites = time spent by an employee in travel as part of his/her principal activity, such as travel from job site to job site during the workday, is counted as hours worked.

(d) Travel Away from the Community = travel that keeps an employee away from home overnight is travel away from the community. The time traveling is hours worked except when the employee travels outside of regular working hours as a passenger on an airplane, train, boat, bus or automobile.

Workday. The period between the time on any particular day when an employee commences his/her "principal activity" and the time on that day at which he/she ceases such principal activity or activities constitutes the employee's workday. The workday may therefore be longer than the employee's scheduled shift, hours, tour of duty, or production line time.

Workweek. Seven (7) consecutive twenty-four hour days, or a total of 168 hours, beginning at Saturday 12:01 a.m. and ending Saturday day at 12:00 a.m.

Workweek Cycle. Fourteen (14) consecutive twenty-four hour days, or a total of 336 hours, beginning at Saturday 12:01 a.m. and ending at 12:00 a.m. fourteen days later. Police Officers shall be the only employees subject to a workweek cycle.

Section 2. Effective Immediately. This resolution shall be effective immediately from and after its passage.

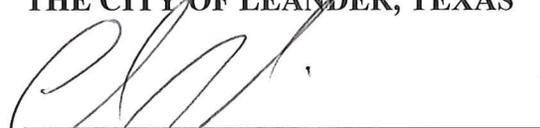
Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 18th day of September, 2014.

Attest:


Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS


Christopher Fielder, Mayor

