

CITY OF FRISCO PERSONNEL POLICIES VACATION LEAVE

Subject: Vacation Leave

Effective Date: 01/01/1997

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I PURPOSE:

- a. The purpose of this policy is to establish uniform rules and procedures to govern the accrual, use and payout of vacation leave. Vacation leave is paid time away from work to pursue activities that promote the well-being of the individual.
- b. An employee desiring to use vacation leave must notify the appropriate supervisor in accordance with the procedures adopted by his/her department.

II ELIGIBILITY:

- a. All regular full-time employees and regular part-time employees (designated to work at least 30 hours per week) are immediately eligible to accrue vacation leave, at the time of hire as outlined herein; part-time employees not designated to work at least 30 hours per week and seasonal and temporary employees are not eligible to accrue or use vacation leave.

III ACCRUAL:

- a. Vacation leave is accrued at the close of each of the first two (2) pay periods in a month and is not available until the following pay period.
- b. Vacation accrual for regular full-time employees is based on an eight (8) hour day. Regular full-time employees shall accrue vacation leave to a maximum balance of 240 hours, at the rate of:
 - i. Five (5) hours per pay period, with a maximum accrual of 10 hours per month.
 - ii. Six (6) hours per pay period after ten years of employment, with a maximum accrual of 12 hours per month.
 - iii. 6.67 hours per pay period after 15 years of employment, with a maximum accrual of 13.34 hours per month.
- c. Regular part-time employees, designated to work at least 30 hours per week, shall accrue vacation leave to a maximum balance of 240 hours, at

the rate of:

- i. Three and three quarters (3.75) hours per pay period, with a maximum accrual of 7.5 hours per month.
 - ii. Four and one half (4.5) hours per pay period after ten years of employment, with a maximum accrual of 9 hours per month.
 - iii. Five (5) hours per pay period after 15 years of employment, with a maximum accrual of 10 hours per month.
- d. Fire protection personnel, designated to work 24-hour shifts, shall accrue vacation leave to a maximum balance of 360 hours, at the rate of :
- i. Seven and one half (7.5) hours per pay period, with a maximum accrual of 15 hours per month.
 - ii. Nine (9) hours per pay period after 10 years of employment, with a maximum accrual of 18 hours per month.
 - iii. Ten (10) hours per pay period after 15 years of employment, with a maximum accrual of 20 hours per month.
- e. Accrual of vacation leave continues up to the maximum accrual limit or until the employee terminates employment with the City or transfers to a job classification that is ineligible for vacation leave accrual.
- i. In the case of termination or transfer, the employee is paid for accrued vacation leave according to the payout schedule below.
 - ii. At the end of each fiscal year, employees with vacation balances above the maximum allowed by policy will have their vacation leave balances administratively reduced to the maximum allowed.
- f. An employee transferring from a regular part-time position to a regular full-time position or vice versa shall retain the balance of vacation leave already accrued if the new position is also eligible for vacation leave accrual. If the new position is not eligible, see Section VII, below.
- g. In the case of the regular job assignment of a 24-hour shift fire protection personnel moving to an eight (8) hour day schedule, their vacation balance will be divided by 1.5 (the same ratio as the accrual rate). In the case of the regular job assignment of an eight (8) hour day fire protection personnel moving to 24-hour shift, their vacation balance will be multiplied by 1.5 (the same ratio as the accrual rate). Such adjustments in vacation balances will not be made as a result of temporary reassignments of fire protection

personnel to light duty and modified duty roles due to medical or administrative restrictions.

IV USE:

- a. An employee may begin use of accrued vacation leave upon successful completion of the six-month probationary employment period.
 - i. All use of vacation leave is subject to the approval of the employee's department director or designee, who may approve or disapprove vacation leave requests according to the provisions of this policy and subject to the needs of his/her department.
 - ii. Employees should be afforded the opportunity to take at least five (5) continuous days of vacation leave annually.
- b. Vacation leave may be used to compensate an employee for time away from work due to reasons for which accrued sick leave would normally be used but has been exhausted.
 - i. Vacation leave may not be substituted for sick leave until all other accrued leave and/or compensatory time has been exhausted; however, there is no requirement that compensatory time be exhausted prior to using vacation leave for an event that qualifies for leave under the Family Medical Leave Act (FMLA) or City Leave of Absence.
 - ii. Such use is subject to the approval of the department director or designee based on past utilization and sick leave balances as they relate to tenure with the City.
- c. Terminating employees are not allowed to use vacation as their final day of employment unless the employee is using vacation for approved CLOA or FMLA leave.

V ACCOUNTING:

- a. An employee shall be compensated for vacation leave subject to a daily limit corresponding to the number of hours for which he/she would have been scheduled to work.
- b. In the event that an employee has exhausted all other available leave, time away from work for an event that qualifies for leave under the Family and Medical Leave Act (FMLA) or City Leave of Absence will automatically be paid from the employee's vacation leave balance, as well as be deducted from the employee's available balance of FMLA leave or City LOA.

- c. Employees on sick, FMLA or City LOA leave will be required to use, at a minimum, a portion of their accrued leave to pay for required benefit and payroll deductions.
- d. The provisions of this policy apply to employees whether classified as exempt or nonexempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), in accordance with the rule found at 29 CFR Part 541.710 effective August 23, 2004, and pursuant to the City of Frisco's general policy of public accountability; all employees shall account for any absences subject to the application of this policy according to the manner described herein.

VI SCHEDULING & NOTIFICATION:

Each department shall establish and communicate to its employees specific procedures for the use of vacation leave which reflect the following:

- a. For scheduled use, a process for requesting the leave in writing, at least three (3) working days in advance of the requested leave, and documenting and communicating the approval/disapproval of the requested leave, including both the employee's and supervisor's approval;
- b. For unscheduled use, a process for documenting the request and the reason for the approval/disapproval of the requested leave, including both the employee's and supervisor's approval;
- c. That emergency requests should be reserved for truly unforeseeable events requiring the employee to be absent to handle personal business of an urgent nature; and
- d. That the maximum continuous vacation that can be authorized is two (2) calendar weeks, unless otherwise approved by the department director based on past utilization and sick leave balances as they relate to tenure with the City.

An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be terminated and the illness or injury time be converted to sick leave or other accrued leave type.

An employee who fails to comply with departmental procedures for the notification and scheduling of vacation leave may be denied paid leave and be subject to disciplinary action, including termination of employment. Further, an employee who takes a leave day following denial, as outlined herein, may be subject to disciplinary action, including termination of employment.

VII **PAYOUT:**

- a. Employees who have completed at least one (1) full year of employment with the City are entitled to a payout of accrued vacation leave upon termination of employment or upon transfer to a job classification ineligible for vacation leave accrual. Payout shall be made—
 - i. In the employee's final paycheck or in the last paycheck for which the employee is eligible to accrue vacation leave; and
 - ii. On the basis of the employee's hourly rate of base pay immediately preceding the termination or transfer and shall include any leave accrued for that pay period.
- b. Payout of vacation leave accrual to employees vacating full- or part-time positions shall be limited to a maximum of 240 hours; payout of vacation leave accrual to fire protection personnel, vacating positions designated to work 24-hour shifts, shall be limited to a maximum of 360 hours.