



# City of Phoenix

<b>ADMINISTRATIVE REGULATION</b>	A.R. NUMBER
	2.30 Revised
SUBJECT	FUNCTION
	Personnel and Payroll Page 1 of 7
<b>CITY LEAVE POLICIES</b>	EFFECTIVE DATE
	March 12, 2003

## INTRODUCTION

### **Transmittal Message**

This Administrative Regulation (AR) has been revised to incorporate policies previously communicated through Personnel Department Letters, as well as common elements from various City department attendance policies. These revisions consolidate policies, establish more consistent standards throughout the City and make information more accessible to employees. Questions regarding this AR should be directed to the Personnel Department at (602) 262-7552.

### **Summary of Changes**

This AR was last revised in 1987. This AR replaces policy direction previously communicated in Personnel Department Letter 68 - *Sick Leave for Family Emergencies* and Personnel Department Letter 82 - *Previously Unwritten Personnel Practices*. In addition, the regulation includes information that has historically been part of many department attendance guidelines.

### Purpose

This AR sets forth the City's policies on leave management. It establishes citywide standards and guidelines for all departments to follow in managing attendance issues. It replaces all prior policies set forth in Personnel Department Letters and in individual department policies and guidelines that conflict with this regulation. This AR is to be read in conjunction with Personnel Rule 15.

### Definitions

The following definitions apply to the provisions of this Administrative Regulation:

- Scheduled absence: Any leave that is approved one work day or more in advance, including sick, vacation, compensatory or leave without pay. This is a minimum scheduling requirement. Some departments may require more advance notice depending on the number of leave days requested, and other operational reasons.
- Tardiness: Any instance in which an employee reports for work late.
- Unscheduled absence: Leave taken, including sick, vacation, or leave without pay, even if authorized for payment, with less than one work day notice in advance.

- Unscheduled absence incident: An occurrence of unscheduled leave. An absence of more than one day for the same reason is considered one absence incident. If the days are not consecutive, a doctor's note may be requested to establish that the absences are linked. Supervisors have the discretion to waive an incident due to extenuating circumstances.

### Sick Leave

Sick leave is a benefit provided to employees to maintain their base pay during absences caused by medical conditions, injuries, or illness. On a limited basis, employees are allowed to use sick leave in order to attend to family medical emergencies. Personnel Rule (PR) 15 defines the rate at which sick leave is accrued and the requirements for sick leave accrual. PR 15 states that sick leave shall be allowed when, "The employee is too ill or injured to be able to work safely. Minor ailments which would not affect the safety of persons or property or endanger the health of other persons while performing job duties do not qualify an employee for sick leave."

PR 15 also states that sick leave is allowed for doctor and dentist appointments or medical treatments, when it is not possible to arrange appointments on off-duty hours.

City employees are allowed to accrue sick leave without limit, and are encouraged to save their sick leave. The benefits of accumulating time include having paid sick leave available in the event of an extended illness and increased retirement benefits. For example, the Long Term Disability Program (LTD) has a 90-day qualifying period. An employee who qualifies for LTD benefits as set forth in Administrative Regulation 2.323 may be required to take 90 days of leave without pay if he does not have sufficient leave accrued.

It is important to remember that a supervisor must approve employee sick leave use. Supervisors are charged with the responsibility of reviewing and approving the use of sick leave to ensure it is used appropriately.

### Notice and Participation

#### A. Scheduled Absences

The City recognizes that it is important for employees to balance work with their personal life. Employees are encouraged to schedule vacation time away from work in order to rest and relax.

#### B. Unscheduled Employee Absences

Because unscheduled absences can be disruptive to a work unit and service delivery, employees are expected to minimize the number of times they must be absent from work with or without notice, whether on vacation, sick leave, or compensatory time. The use of paid leave benefits is always subject to supervisory approval.

An employee, who, because of personal illness/injury or other non-medical emergency, is unable to report to work, must notify the assigned supervisor prior to the start of the shift.

Departments may establish call-in procedures based on operational need. Such departmental regulations shall prevail.

In this telephone notice, the supervisor should be told the reason for the absence and the anticipated length of absence. The employee is required to contact his or her supervisor each day of the absence to keep the supervisor aware of the progress being made. The supervisor may waive this daily contact if it is judged to be impractical.

In the event that it is impossible for the employee to make this contact due to the employee's incapacity, another responsible person may make the initial contact with the employee's supervisor.

Receipt of a telephone notification by the supervisor does not guarantee that the absence will be approved for sick or vacation leave payment. This decision is not made until after the employee has submitted a written leave request form.

### C. Family Medical Emergency

Family Medical Emergency leave shall only be allowed when an emergency occurs due to illness or injury of a member of the employee's immediate family. Members of the immediate family are as defined in PR 15 as mother, father, spouse, child, stepchild, brother, or sister of the employee. A relative, who, because of family circumstances has been a parent substitute to the employee, may be considered a substitute for mother or father in this definition.

This leave will not be considered a negative factor when evaluating attendance and job performance up to the limits established.

Supervisory judgment and discretion may be required for particular cases, keeping in mind the following guidelines for the use of family medical emergency leave. There are two types of Family Medical Emergency Leave situations for which an employee's sick leave bank (BN) can be used:

1. Life threatening illness or injury: Up to five days or 40 hours of sick leave may be authorized per incident when an immediate family member is experiencing a life threatening illness or a life threatening injury. Examples include:
  - An immediate family member is undergoing major surgery
  - A family member is in critical condition.
  - An immediate family member's condition is life threatening based on the advice of the family member's attending physician.

Air travel time is allowed when the medical emergency occurs out of state for up to two days, in addition to the time allowed for the emergency. If the employee uses ground transportation to travel out of state, the travel time is limited to the reasonable period required for scheduled air travel

2. Non-life threatening illness or injury: Up to one shift (eight or ten hours) of sick leave may be authorized, for the employee to make arrangements for care of an immediate family

member who experiences a sudden illness or accident, which is non-life threatening, if that person is dependent on the employee for care. Examples include:

- A pregnant immediate family member needs to be taken to the hospital for delivery.
- The school / daycare notifies the employee that an ill or injured child must be taken home.
- Arrangements must be made for a suddenly ill or injured dependent family member requiring home care.

Additionally, employees may be approved to use accumulated vacation, compensatory time, or unpaid leave for additional time off required to attend to an immediate family member.

As with other sick leave, written medical verification may be required before granting a family medical emergency leave request. Supervisors are entitled to conduct an investigation to determine the appropriateness of using sick leave. Employees will cooperate with their supervisors in these circumstances.

Additionally, sick leave shall not be allowed for home care of a family member due to non-emergency illness or injury, except as provided by an applicable provision of a Memoranda of Understanding (MOU).

## Leave Management

### A. Supervisor Responsibilities

Excessive unscheduled absences from work can be disruptive and place a burden on co-workers and supervisors who must cover for the absent employee. As a result, supervisors are required to manage or minimize unscheduled employee sick or vacation leave. Strategies to accomplish this include:

- Maintaining leave records for each employee supervised.
- Evaluating requests for sick and vacation leave and approving leave time off when it does not interfere with service delivery.
- Evaluating employee attendance based in part on the number of unscheduled absences in any twelve-month period (not limited to a calendar year or the employee's evaluation period).
- Identifying excessive use of unscheduled leave time off by employees who, based on supervisory or administrative records, are close to exceeding or have exceeded a standard of six unscheduled absence incidents in any twelve-month period. (Leave taken under the Family and Medical Leave Act (FMLA), is not included in this total, nor are dependent care absences up to allowable maximum)
- Counseling an employee and if necessary taking corrective action if an employee develops a record of excessive leave or tardiness. It is important for employees to understand the negative impact excessive absences can have on both service delivery and their own overall performance.

- According to PR 15, supervisors may require a doctor's certificate for sick leave absences of more than three days, and for absences of three days or less, when the employee's sick leave record indicates excessive (non-FMLA) absences.

## B. Employee Responsibilities

Employees are responsible for managing their leave time (sick and vacation leave banks) appropriately and for communicating with their supervisor about absences. Among employee responsibilities are:

- Employees must attend work on a regular basis. Attending work is an essential function of every job. An acceptable record **of no more than six unscheduled absences in any twelve-month period** will meet City attendance standards. (FMLA absences are authorized and therefore not included in an employee record of unscheduled absences.)
- Employees are required to schedule time off with their supervisor at least one work day in advance. Department operations may require more notice depending on the amount of leave requested.
- Employees must confirm that their time off has been approved prior to taking time off. It is the employee's responsibility to complete a leave request form. For scheduled absences, the leave request form must be submitted prior to taking the leave. For unscheduled absences, a leave request form must be submitted promptly upon return to work.
- Employees must notify the supervisor personally, as soon as possible, when unscheduled leave is requested. Operational needs within departments may require notice in advance of the shift in order to arrange for coverage.
- Employees must schedule appointments (doctor, dentist, personal) on their non-work day, or before or after work whenever possible to minimize absences.

## Confinement

An employee on sick leave due to personal illness must remain confined at home, recuperating from the illness. An exception is allowed for time to consult with a physician, obtain medicine, or to follow medical advice on physical activities that will assist in recuperation. Employees on sick leave may not engage in other work, such as an outside job, recreational activities, *or physical activity that is contrary to their physician's restrictions.*

## III While on Vacation

An employee who becomes ill while on a scheduled vacation may charge his sick leave bank only if the illness required hospital confinement or if the illness/injury was approved as an FMLA absence. The amount of sick leave that can be used will be limited to the length of the hospital confinement or the FMLA qualifying event.

## Leave for Dependent Care

Employees are allowed to use vacation or compensatory time for up to five dependent care incidents per calendar year, not to exceed a total of 40 hours within that calendar year, without this leave being considered a negative factor when evaluating attendance and job performance.

Employees shall be limited to a maximum of seven incidents per calendar year of the combination of:

- dependent care absences (vacation or comp time),
- family emergency absences (BN-sick leave),
- absences for the home care or medical treatment of an immediate family member (BO – sick leave) in accordance with the applicable M.O.U.

#### Leave Credit Dates

Sick leave and vacation leave is accrued on the first of each month. Employees who are on an unpaid leave status are not entitled to accrue sick or vacation time.

Employees who have no leave in their leave banks cannot submit leave requests for absences that occurred prior to the accrual date and use the newly accrued leave time. Employees are required to reimburse the City for any payment for leave time not yet earned.

Employees are not allowed to change their leave status from unpaid leave to paid leave in order to meet the leave accrual deadline, to receive holiday pay, longevity pay, or any other benefit they would not otherwise be entitled to receive. In order to receive accrued leave following an unpaid absence, the employee must return to work on a continuous basis.

#### Sequence of Leave Usage

If an employee requests sick leave but no credits are available in their bank, the remaining authorized absence will be charged to the employee's vacation bank.

Employees cannot choose to be on an unpaid leave status if there is vacation or sick leave available in their leave banks. Compensatory time will not be used unless the employee gives permission for it to be used once other existing leave banks have been exhausted. Only the Personnel Director may grant exceptions to this policy.

#### Tardiness

All employees have a responsibility to attend work as scheduled and to be on time. If an employee reports to work late, it can have a negative impact on operations, service delivery, and morale. Employees are expected to arrive to work on time and to adhere to lunch and rest break times as defined by their supervisor for their position.

In determining leave usage, tardiness for seven or more minutes will be rounded to the nearest 15 minutes. For non-exempt or hourly employees, the time while tardy is charged to leave without pay. Supervisors have the discretion to allow the employee to use vacation leave or to make up the time during the same day. If an employee is tardy less than seven minutes, the supervisor cannot charge the employee's leave bank but can hold the employee accountable for the tardy incident.

Excessive tardiness will be considered in the calculation of unscheduled leave based on the operational demands of the work group. Supervisors may decide that attendance standards are

not being met by an employee due to tardiness issues and take corrective action as needed with the employee.

### Effective Date of Separation

The effective date of separation for an employee is the last day worked. If an employee resigns while on leave or before taking leave from which the employee will not return to work, the day of separation will be recorded as the last day worked, and no additional leave credits or holiday pay will be awarded following the effective date of separation.

If an employee resigns or retires while on a paid sick leave status, the sick leave may be paid if medical verification is presented to the satisfaction of the Personnel Department. In this case, the date of separation will be the last day of paid sick leave.

### Other Related Leave Policies


There are additional leave policies and procedures not covered by this Administrative Regulation. The following list provides resources for some of those policies and procedures:

- A. Family & Medical Leave Act (FMLA) - For more information regarding employee rights and supervisor responsibilities as they relate to sick leave absences, please refer to Administrative Regulation 2.143, Family and Medical Leave.
- B. Personnel Rule 15e – Special Leave Without Pay – Employee requests for leave of absence without pay in excess of thirty days require approval of the department director, Personnel Director, and the City Manager. Requests should be submitted in writing through the employee's chain of command.
- C. Americans with Disabilities Act (ADA) – Both the Equal Opportunity Department and Personnel Department staff can answer questions related to this regulation, as it relates to leave management issues.

### Enforcement

City departments may create and distribute policies establishing attendance standards that are consistent with the provisions of this Administrative Regulation and the Family and Medical Leave Act.

An employee who fails to comply with this Administrative Regulation shall be denied paid sick or vacation leave and may be subject to disciplinary action.

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By   
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