

RESOLUTION NO. R2020-37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BURNET, TEXAS, AMENDING SECTION 8.08 SICK
LEAVE, DELETING SECTIONS 7.09 SICK LEAVE AND
16.04 LEAVE RECORDS IN ITS ENTIRETY, OF THE
PERSONNEL POLICY MANUAL BY UPDATING AND
CLARIFYING POLICY REQUIREMENTS.**

Whereas, the City Council believes its personnel policies should reflect the needs of the City and meet all applicable state and federal labor laws; and

Whereas, it is necessary to update, revise, and clarify language in the City of Burnet Personnel Policies consistent with laws, regulations, and industry standard practices; and

Whereas, the City of Burnet has previously adopted Ordinance No. 2009-31, Personnel Policy Manual on December 8, 2009; and

Whereas, the Personnel Policy Manual was last revised on May 26, 2020; and

Whereas, the City Council believes it is in the best interest of the City and its employees to make additional amendments to said Personnel Policy Manual; and

Whereas, The City Council has reviewed the proposed amendments to the Personnel Policy Manual and has determined the need to update and clarify those sections.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. The City Council hereby accepts and adopts the amendment to the Personnel Policy to include sections 8.08 Sick Leave and delete sections 7.09 Sick Leave and 16.04 Leave Records as attached hereto as Exhibit "A" with an effective date of August 11, 2020.

Section 2. The findings and recitations set out herein above are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.


Section 3. If any provision of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

Section 4. That 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, Loc. Gov't. Code.

PASSED AND APPROVED on this 11TH day of August 2020.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

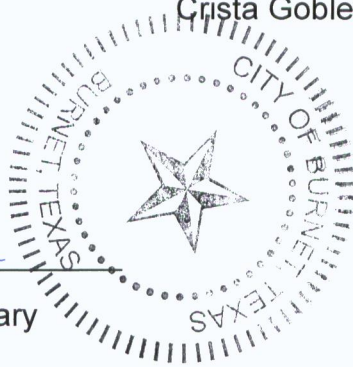


EXHIBIT A 8.08 SICK LEAVE (Revised 8-11-2020 Resolution 2020-37)

Sick leave is paid time away from work due to an illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department, if applicable.

Eligibility

All regular, full-time benefit eligible employees begin accruing paid sick leave upon hire.

Sick Leave Accruals

Accrual Rate

- 3.69 hours of sick leave will be credited to full-time employees, including non-shift police and fire department personnel, each pay period.
- 4.25 hours of sick leave will be credited to full-time police department shift personnel each pay period.
- 5.53 hours of sick leave will be credited to full-time fire department shift personnel each pay period.
- Temporary and part-time employees do not earn sick leave.
- Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status.
- No advance of unearned sick leave benefits will be made.

Maximum Accrual

- Full-time employees, including non-shift police and fire department personnel, may accrue up to 1,040 hours of sick leave. (Employees in this category are scheduled to work an average of 2,080 hours annually; 1,040 equates to an estimated six months of time worked.)
- Full-time shift police department employees may accrue up to 1,118 hours of sick leave. (Employees in this category are scheduled to work an average of 2,236 hours annually; 1,118 equates to an estimated six months of time worked.)

- Full-time shift fire department employees may accrue up to 1,464 hours of sick leave. (Employees in this category are scheduled to work an average of 2,928 hours annually; 1,464 equates to an estimated six months of time worked.)
- At the end of each calendar year, sick leave shall be reduced to these hour limits for any employee having accumulated more than the number of hours permitted.

Authorized Use of Sick Leave

- For the employee. Accrued sick leave may be used for absences due to the employee's personal illness, accident, injury that prevents working, scheduled healthcare provider appointments, birth of a child or other reasons if approved under FMLA.
- For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. Sick leave may also be used by employees for their immediate family's scheduled healthcare provider appointments. For purposes of this policy, "immediate family" is defined as legal spouse, employee's parents, natural child*, adopted child*, or child* for whom the employee is the legal guardian (*child up to age 25 or no age restriction if disabled). If approved for FMLA, sick leave may also be used for a family member as defined by the Family and Medical Leave Act.

Failure to Report Absence/ Abuse of Sick Leave. Supervisors shall closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of an immediate family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. If possible, employees are encouraged to schedule appointments outside of work hours. When that is not possible, employees are encouraged to schedule appointments at a time that is least disruptive to the work unit, such as at the beginning or end of the workday. It is the City's expectation that employees return to work following appointments unless medical circumstances prevent the employee from returning to work. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave. Exceptions to this policy must be obtained in writing from the Department Director and the City Manager.

Vacation/Sick Leave. When an illness or physical incapacity occurs during the time an employee is on vacation leave, sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly.

Documentation. Employees requesting paid sick leave must complete a leave request form and submit it to their supervisor for approval. Absence for illness/injury of 3 or more consecutive workdays shall require verification of an illness/injury from the healthcare provider. An employee must provide verification of an absence any time required by the City. The Human Resources Department may contact the physician at any time regarding any clarification he/she may have regarding medical reports. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will not be permitted and no other paid leave may be used for the absence.

The City may require a doctor's statement of fitness for duty to allow an employee to return to work after a surgical procedure.

Official records of sick leave accruals, balances, and leave use will be recorded in the City's timekeeping system. Leave records are updated at the end of each pay period. Leave recorded and approved on the timesheet will be used to update the employee's accrued sick leave balance. Questions on sick leave shall be directed to the Human Resources or Payroll Department.

Family and Medical Leave Act Leave. Any absence that qualifies for both Family and Medical Leave and sick leave will follow the guidelines set out in this policy and will typically be counted as both (i.e. if an employee qualifies for Family and Medical leave, it will run concurrently with any paid leave). Department Directors shall be responsible for notifying the Human Resource Department when an

employee is absent due to illness for five (5) consecutive working days, so the time may be evaluated for Family and Medical Leave.

Payment for Unused Sick Leave. Active employees are not eligible to receive payment for unused sick leave.

Termination of Employment

Upon termination for cause, unused sick leave is cancelled and shall not be paid to the employee. Other than termination for cause, upon termination of employment, employees will be paid for unused sick leave as defined below -

- Full-time employees, including non-shift police and fire department personnel, will be compensated for unused accrued hours in excess of two hundred forty (240) hours up to a maximum of two hundred forty (240) hours. (i.e. the first 240 hours of sick leave balance is not eligible for pay out). *Example – An employee has an accrued sick leave balance of 260 hours. 260 (current sick leave balance) – 240 (sick leave hours not eligible for payout) = (20 sick leave hours eligible for payout on final check)*
- Full-time shift police department employees will be compensated for unused accrued hours in excess of two hundred fifty-six (258) hours up to a maximum of two hundred fifty-six (258) hours. (i.e. the first 258 hours of sick leave balance is not eligible for pay out). *Example – An employee has an accrued sick leave balance of 320 hours. 320 (current sick leave balance) – 258 (sick leave hours not eligible for payout) = (62 sick leave hours eligible for payout on final check)*
- Full-time shift fire department will be compensated for unused accrued hours in excess of three hundred seventeen (317) hours up to a maximum of three hundred seventeen (317) hours. (i.e. the first 317 hours of sick leave balance is not eligible for payout). *Example – An employee has an accrued sick leave balance of 1464 hours. 1464 (current sick leave balance) – 317 (sick leave hours not eligible for payout) = 1147 hours (however only a maximum of 317 sick leave hours are eligible for payout so 317 sick leave hours will be paid on final check)*

Delete in its entirety section 7.09 SICK LEAVE - Only regular employees of the City are entitled to sick leave. Detailed information on sick leave is found in Section 8, Subsection 8.08.

Delete in its entirety section 16.04 LEAVE RECORDS - Official records of annual leave and sick leave accrual and leave usage will be kept for each employee by an employee designated by the Personnel Director. Leave records are updated at the end of each pay period. Leave balances are shown on each employee's payroll check stub to reflect any remaining leave to which an employee is entitled. It is the responsibility of the Department Director to provide information about their employee's usage of leave time to the Personnel Director. The Personnel Leave Form is used to show the Department Director's approval of the leave. In all cases, leave recorded on the timesheet will be used to update the employee's leave balance. Any employee questions on accrued leave shall be directed to the supervisor or Personnel Director.