

**Resolution No. 15-0854**

**A RESOLUTION APPROVING AMENDMENTS TO THE CITY PERSONNEL POLICY MANUAL REGARDING MEDICAL LEAVE AND THE PTO ACCRUAL MAXIMUM**

**WHEREAS**, during review of the current policies and procedures of the City of Windsor Heights, the City has identified some inconsistencies with contemporary best practices and its Medical Leave and PTO policies; and

**WHEREAS**, the City provides its employees with a long term disability insurance coverage program and seeks to provide appropriate opportunities for employees eligible for long term disability with compensation alternatives for the 90-day waiting period, which the employee is responsible for; and

**WHEREAS**, the City is seeking to amend its current Medical Leave and PTO program to ensure employees have the opportunity to plan for unexpected time away from work due to long term disability.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Windsor Heights, Iowa, on this 3<sup>rd</sup> day of August, 2015, that the attached Policies labeled Exhibit 1 and Titled, "5.2 Medical Leave" and Exhibit 2, Titled, "5.13 Paid Time Off" are hereby approved as an amendments to replace the existing section of the same in the Employee Personnel Manual.

Passed and approved this 3<sup>rd</sup> day of August, 2015.

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Diana Willits, Mayor

Attest: \_\_\_\_\_  
Brett Klein, City Administrator

### 5.13 Paid Time Off (PTO)

5.13(a) *Accrual of Paid Time Off:* Paid Time Off shall be credited to all regular, full-time employees hired after January 1, 2008 or current full-time employees who elect to switch to PTO as follows:

Years of Service	Accrual Per Pay Period
1 through 5	5.85 hours
6 through 10	7.38 hours
11 through 20	8.92 hours
21+	10.46 hours

Permanent Part Time Employees will accrue PTO at the following rate:  
For every 520 hours worked: 12 hours

The maximum accrual of PTO shall be 4500 hours. If an employee reaches this maximum (including any compensatory time), the employee shall not be credited with any additional accrual until such time as the employee reduces his/her PTO bank. An employee may elect to cash out 40 hours of PTO three times per year, but must have a minimum balance of 80 hours after the cash out. The employee shall notify his or her supervisor of this election.

PTO may be used in increments of one-half (1/2) hour. PTO requests will be made in writing to the employee's department head using the City's Personnel Action Request form. PTO requests of one (1) week duration or more should normally be made not less than thirty (30) days in advance. PTO request of four days or less can be made at any time but should normally be made 48 hours in advance. PTO requests shall be acted upon within five (5) days if made thirty (30) or more in advance and within two (2) days if made less than thirty days in advance. If two or more employees request PTO at the same time and staffing levels will not permit all requests, seniority shall prevail in granting the request of employees in like job classifications. An employee's scheduled PTO will not be cancelled during periods of normal operations of the City.

PTO time used for an employee's illness or for an illness in the employee's immediate family, shall be scheduled in advance when possible. The City recognizes that in certain instances it is impossible to schedule PTO in advance when an illness occurs. The City reserves the right to require a physician certification for PTO time used for illness, when in the discretion of the City; it is suspected the employee is abusing the benefits of PTO. Upon resignation or termination, an employee shall be paid for all unused PTO left at the time of separation from employment.

Donated PTO: Employees are eligible to donate or receive donated leave for an absence from work that meets the definition of 5.2, Medical Leave. Leave must be donated in increments of no less than one hour. An employee interested in donating or receiving leave should see his or her immediate supervisor to accomplish this.

## 5.2 Medical Leave

Medical leave is a period of absence with pay granted to employees hired on or before January 1, 2008 in any of the following circumstances. This section applies only to employees hired on or before January 1, 2008 who have not elected to change over to the Paid Time Off system as outlined in section 5.13 of this document.

- When incapacitated for duty by sickness, injury, or confinement for medical, dental, or optical treatment.
- In the event a member of the immediate family; spouse, parents of spouse, child, mother, father, brother, sister, or grandparents of an employee is afflicted with a disease, illness, or disability, any of which, in the opinion of the employee's medical doctor, requires care and attendance of the employee.
- When, through exposure to contagious disease, the presence of the employee at work would jeopardize the health of others. "Contagious disease" is defined as a disease subject to quarantine or requiring isolation of the patient by health authorities having jurisdiction.

5.2(a) Accrual of Medical Leave: Medical Leave shall be accrued as follows:

Permanent Full-time Employees:	8 hours per month beginning on the first of the month after the start date of employment
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Medical leave shall continue to accrue to an employee's benefit during approved absences. An employee on leave of absence or leave without pay shall not earn medical leave. Terminal employees are not eligible for any additional accruals.

5.2(b) Accumulation of Medical Leave: A maximum of 1,200 hours of medical leave may be accumulated. An individual employee will be compensated for a maximum of 150 days upon separation of employment, if the employee is qualified to receive any compensation for said leave. See 5.2(c) for terms of medical leave disposition upon separation.

5.2(c) Medical Leave Disposition Upon Separation: Medical leave accrued and available to employees at the time they are voluntarily separated from employment with the City is forfeited, unless other contractual arrangements are made as negotiated with the City Council. In the event of a qualified retirement, an employee who was hired before December 31, 1998 or who is subject to an Iowa Code Chapter 410 plan is eligible for 100% of the cash value of the accrued medical leave. An employee who was hired after December 31, 1998 is eligible for 50% of the cash value of the accrued medical leave in the event of a qualified retirement. Accrued medical leave of employees who are involuntarily separated from employment with the City will be forfeited, unless other contractual arrangements are made as negotiated with the City Council.

5.2(d) Approval of Medical Leave: Medical leave is to be approved in all bona fide cases in which the employee has leave to his or her credit. Medical leave for dental, optical, or medical appointments should be requested in advance. In all other situations, the employee shall notify the immediate supervisor and/or the City Administrator as early as is practicable on the first day of absence. Failure to give such notice without good cause, as determined by the City Administrator, will result in loss of pay for days involved. A medical certificate must support an absence of three (3) working days. In cases of

habitual use of medical leave, an employee's supervisor may request medical certification from an additional authority for any amount of medical leave taken.

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5.2(e) Substitution of Medical for Annual Leave: When sickness occurs during the time an employee is on annual leave, medical leave may be granted to cover the period of the illness and the charge against annual leave shall be reduced accordingly. A medical certificate or other acceptable evidence may be requested to support application for a substitution.

5.2(f) Exchange of Medical for Annual Leave: Employees who have a minimum of 80 hours of medical leave accrued, may exchange 4 hours of medical leave for 1 vacation hour, as long as the minimum is maintained. Any requests made within 90 days of termination of employment will be denied, except in specific and negotiated circumstances. Employees should contact the payroll officer for this purpose.

5.2(g) Worker's Compensation – Medical Leave not paid: (Medical) Sick leave shall not be paid while worker's compensation benefits are payable. All employees of the City are covered by worker's compensation insurance. Light duty policy may apply to an employee after an incident covered by Worker's Compensation. See Light Duty policy for additional information.

5.2(h) Advance Medical Leave: Medical leave may be granted in advance and charged against medical leave subsequently earned, or against annual leave or compensatory leave available or subsequently earned. Indebtedness for such leave shall not exceed twenty-four (24) hours, and in no cases shall the indebtedness plus leave already used exceed the total amount available to an employee in a given calendar year. The City Administrator must be reasonably assured that the employee will not separate from employment before the leave can be earned. The employee must have a serious disability or illness, and any advance of medical leave in excess of 16 hours must be supported by a physician's statement attesting to the nature of the disability/illness and stating the period of time expected to be involved. The request will be denied if there is a reason to believe that the employee will not return to duty or if medical leave has been abused in the past. All accumulated medical and annual leave must be exhausted before advance leave is credited.

Deficit medical leave balances of separated employees shall be offset against earned salary, accumulated annual leave, compensation leave, or repaid in cash to the City. Repayment shall not be required in cases of death, retirement for disability, or an inability to return to duty due to disability as evidenced by an acceptable medical certificate. Employees shall not be compensated for unused medical leave upon termination of employment.

5.2(i) Medical Leave Paid Upon Retirement: An employee who is qualified to be compensated for medical leave upon separation from employment (see section 5.2(c)) will be paid accumulated sick leave as an additional pay check. An employee who is retiring after twenty (20) or more years of service will receive the cash value, based on their current rate of pay, for the unused hours of sick leave remaining in the account. Deficit balances, if any, shall be deducted from an employee's final paycheck. At the option of the City Council, medical leave may be paid upon early retirement or in other negotiated

circumstances. The maximum number of hours of medical leave for which an employee can be compensated upon retirement is 1200.

5.2(j) Temporary Disabilities: Employees with medically certified temporary disabilities shall be entitled to a leave of absence according to the rules governing leave. Employees may be granted up to a maximum of ninety days (90) leave at the discretion of the City Administrator. When said employee gives notification to the City Administrator of the desire to return to work, along with a medical release to work, the City shall reinstate said employee within two weeks from receipt of notification. Employees on paid leave will accrue seniority and benefits according to the City's benefit provisions. Any employee who does not report back to work by the expiration date set forth in the leave of absence notice, or who accepts other employment while on leave from the City, will be considered to have resigned employment with the City.

~~The City of Windsor Heights self funds a short term disability program for employees who have applied for long term disability and do not have enough PTO or medical leave to cover the ninety (90) day waiting periods. In such situations, the employee will be required to exhaust all types of his/her leave. If the employee does not have enough paid leave to cover the waiting period, the City will continue to pay the employee his/her salary until the ninety (90) day waiting period is complete. An employee becomes eligible for the short term disability benefit upon experiencing a condition that initiates the application for long term disability. The Employer will begin payment of the short term disability benefit upon the eligible application for the long term benefit.~~

5.2(k) Maternity Leave: Disabilities caused by or contributed to by pregnancy or the resolution of pregnancy and recovery therefrom are, for all job-related purposes, temporary disabilities, and are treated as such under the City's temporary disability policy. Any person requiring such leave shall notify the City Administrator at least three (3) months prior to the anticipated date of delivery. A medical certificate may be required.

5.2(l) Use of Medical Leave as Personal Leave: Employees may elect to use up to twenty-four (24) hours of medical leave as personal leave in conjunction with bereavement leave.

5.2(m) Donated Medical Leave: Employees are eligible to donate or receive donated leave for an absence from work that meets the definition of 5.2. Leave must be donated in increments of no less than one hour. An employee interested in donating or receiving leave should see his/her immediate supervisor to accomplish this.

5.2(n) Premium contribution waived: Information about employee premiums can be obtained through the payroll clerk or Chief Financial Officer. ~~The City can waive the insurance premium for employees on long term disability who expect to return to work.~~