

in furtherance of the City's interests or official City business or that is unrelated to their official City duties without forced action of a subpoena or other legal document forcing attendance, shall not be paid for time away from work unless the employee elects to use accrued vacation or compensatory time as approved by the employee's supervisor.

Non-exempt employees who are subpoenaed will be paid for the time spent when required to attend Civil Service hearings.

SECTION 12. The Family and Medical Leave Act of 1993 (FMLA).

In keeping with the requirements of the Family Medical Leave Act of 1993 (hereinafter referred to as "FMLA") and the City of Gautier Employee Handbook, an eligible employee shall be entitled to take up to twelve (12) workweeks of unpaid, job-protected leave in a 12-month period per calendar year. To be considered eligible, an employee must have worked for the City for one (1) year or worked at least 1,250 hours over the previous 12 months.

When both spouses are employed by the City, they are entitled to share a total of twelve (12) workweeks of FMLA for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Covered Family and Medical Reasons. An eligible employee must be granted up to twelve (12) weeks of unpaid family and/or medical leave (FMLA) per calendar year for one (1) or more of the following reasons:

- 1) the birth and care of a newborn child of the employee;
- 2) for placement with the employee of a son or daughter for adoption or foster care;
- 3) to care for a spouse, son, daughter, or parent with a serious health condition;
- 4) to take medical leave when the employee is unable to work because of a serious health condition; or
- 5) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty status or has been notified of an impending call or order to active duty in the National Guard or Reserves.

Eligible employees may take up to twenty-six (26) workweeks of unpaid leave in a calendar year to care for their spouse, child, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness as a result of serving on active duty in the Armed Forces.

Under certain conditions, employees or employers may choose to "substitute" (run concurrently) accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

A serious health condition shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

Employee Eligibility. An employee shall be entitled to family leave when he/she meets the

following criteria:

- 1) The employee has worked for at least twelve (12) months for the City. The twelve (12) months need not have been consecutive.
- 2) The employee has worked for the City for at least 1,250 hours over the twelve (12) months before the leave would begin.

Calculation of Leave. Eligible employees can use up to twelve (12) weeks of FMLA leave during a rolling twelve (12) month period as described herein. The City will use a twelve (12) month period measured backward from the date an employee needs to use any FMLA leave, paid or unpaid.

Maintenance of Benefits. An employee shall be entitled to maintain group health insurance coverage on the same basis as if he or she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay his or her share of insurance premium payments either through payroll deduction or by direct payment. This payment shall be made either in person or by mail to the Personnel Specialist by the first (1st) day of each month. If the employee's payment is more than thirty (30) days overdue, then the City will drop the coverage after notifying the employee at least fifteen (15) days in advance of its intention.

If an employee informs the City that he or she does not intend to return to work at the end of the leave period, the City's obligation to provide health benefits ends. If an employee chooses not to return to work for reasons other than a continued serious health condition or other circumstances beyond their control, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

Earned benefits such as seniority, vacation leave, sick leave, and holiday benefits will not accrue during the unpaid portion of the leave period. However, the use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Job Restoration. An employee who utilizes FMLA leave under this policy will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms.

Use of Paid and Unpaid Leave. If an employee takes leave under this plan because of his or her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all compensatory time, paid vacation, sick leave, or donated leave and then will be eligible for unpaid leave. Any combination of family leave and medical leave may not exceed twelve (12) weeks within any rolling twelve (12) month period as described above.

An employee using leave for the birth of a child will use any accrued paid sick leave for physical recovery after childbirth. The employee then may use all paid vacation and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks.

An employee using leave for the adoption or foster care of a child will use all compensatory time and paid vacation first and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks. The use of sick leave would not be allowable in such cases.

Notice and Certification. When an employee plans to take leave under this policy, the employee must give the Personnel Generalist thirty (30) days' notice. If it is not possible to give thirty (30)

days' notice, the employee must give notice as soon as reasonably possible. Medical certification should be provided at this time if possible.

The employee must also provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee will respond to such a request within fifteen (15) days of the request, or provide a reasonable explanation for the delay.

Qualified health care providers may include doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, and optometrists.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

- 1) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
- 2) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
- 3) For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
- 4) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

While on leave, employees are required to report bi-weekly to the Personnel Generalist regarding the status of their medical condition and their intent to return to work.

Other requirements, terms, conditions, and/or obligations that arise out of and/or pertain to leave designated as family medical leave (FMLA) may be found in federal, state, and/or local laws or regulations, forms that are required to be completed and submitted in conjunction with such leave, and other City policies.

SECTION 13. Military Leave.

To the extent provided by law, an employee will be granted a leave of absence for up to five (5) years in the military. The employee will receive the employee's full straight time pay for the first fifteen (15) days of military leave in a calendar year. Military leave will be accounted for in increments of twenty-four (24) hour periods (from 0001 hours to 2400 hours). The State of Mississippi has defined one (1) day of military leave as equivalent to an eight (8) hour work day. E.g., a firefighter's twenty-four (24) hour on-duty shift counts as three (3) days of military leave. An employee will be reinstated to the employee's former employment, provided the employee

complies with the legal reporting requirements after completion of the military duty.

SECTION 14. Sick Leave.

Sick leave shall be granted to regular full-time employees at the rate of eight (8) hours for each calendar month of service. ~~Sick leave rates for Fire and Police Departments are as follows:~~

~~Fire Department: Shift personnel shall refer to Article 16, Leaves of Absence, Item A, Sick Leave of labor agreement between City of Gautier and Local 3290. (Pending Negotiation)~~

~~Police Department: All full-time employees shall earn eight (8) hours, ten (10) hours, or twelve (12) hours sick leave depending on the shift assigned. (Pending Negotiation)~~

Sick leave is not available for use until the end of the month following thirty (30) days of employment for employees of the Schedule 2080. Sick leave shall be charged in quarter-hour increments rounded to the nearest quarter hour on the employee's time sheet. Sick leave accrual during leaves of absence without pay will be on a pro-rata basis based on the number of hours worked during the month.

Sick leave is authorized for use by employees for absences due to personal illness or physical incapacity, sickness of an immediate family member, doctor or dental appointments for self or immediate family, FMLA covered absences, and requests for the employee's presence by immediate family, doctor or clergy due to family illness.

An employee desiring to use sick leave must notify his/her immediate supervisor of the illness no later than fifteen (15) minutes before the beginning of the work shift or as otherwise required by the applicable Department's Standard Operating Procedures. Failure to do so may result in denial of such paid leave and/or disciplinary action, including but not limited to termination of employment. The employee should also let the supervisor know when he/she expects to return to work.

Sick leave exceeding three (3) consecutive work days or three (3) scheduled shifts; must be confirmed by a qualified doctor's statement submitted to the supervisor after the third (3rd) consecutive day of absence. The doctor's statement must contain a statement that the employee is fit to return to work including any limitations the employee may have relating to their particular job classification; or a statement as to when the employee will be fit to return to work. A qualified doctor shall be defined as a duly licensed doctor of medicine, osteopathy or dentistry. If sick leave is not confirmed by a doctor's statement after the third consecutive day of absence, the employee may be placed on unpaid leave for the period of absence until the excuse is submitted or may be required to use vacation time for the absence. Employees who abuse sick leave will be subject to disciplinary action which may include but is not limited to termination.

Sick leave usage during an employee's last two (2) weeks of employment must be documented by a qualified doctor.

Unused sick leave shall accrue to the credit of each employee with no maximum and, subject to conditions and terms of the Public Employees Retirement System (PERS) or any other governing or applicable regulations or requirements, may be certified to PERS for retirement credit upon separation of employment. Sick leave cannot be cashed out or paid as money upon separation of employment.

Sick leave that is used on the “working day” before and/or sick leave used the first “working day” after an observed holiday; must provide documentation by a qualified physician. In lieu of a medical certificate, supervisors may allow a sworn affidavit from the employee which provides the circumstances of the illness. Information requests shall be processed in accordance with the official privacy policy of the City for compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

SECTION 15. Donated Leave

Employees are allowed to donate a portion of their earned leave to another employee who is suffering from a catastrophic injury or illness; or to another employee who has a member of his/her immediate family who is suffering from a catastrophic injury or illness.

A catastrophic injury or illness shall be defined as a severe or permanent condition or combination of conditions affecting mental or physical health that requires medical treatment by a licensed physician for a period of time exceeding four weeks. Optional medical procedures and maternity leave do not qualify as catastrophic illnesses and are not eligible for donated leave. Proof of injury or illness must be provided. Recipient employees must exhaust all of their earned annual/sick leave before becoming eligible to receive donated leave. Probationary employees are not eligible for donated leave.

The maximum period an employee may use donated leave without resuming work is ninety (90) calendar days, which commences on the first day that the recipient employee uses donated leave.

Employees receiving compensation under Mississippi’s worker’s compensation law are not eligible to receive donated leave. However, an exception may be granted by the City Manager for employees experiencing an economic hardship due to a non-catastrophic event, such as illness or injury not covered by workers’ compensation for up to one (1) pay period.

Employees' may not donate in excess of 50% of his/her earned sick leave. Annual leave donations must not exceed the number of hours that would leave the donor employee fewer than seven (7) work shifts.

SECTION 16. Annual Leave/Vacation Leave.

Annual leave, also known as vacation leave, for regular full-time employees shall accrue as follows:

Hire date:	1 st – 15 th	leave begins accruing the month hired
	16 th – 30 th	leave begins accruing the next month

Example: If hire date is 01/15/07, then leave begins accruing January 2007.

If hire date is 01/16/07, then leave begins accruing February 2007.

Annual leave is not available for use until the end of the month following thirty (30) days of employment. Annual leave shall be charged in half-hour increments rounded to the nearest half hour on the employee’s time sheet. Annual leave accrual during leaves of absence without pay will be on a pro-rata basis based on the number of hours worked during the month.

Vacations shall be scheduled at such times as the Department Director finds most suitable after

considering the wishes of the employee and the requirements of the department.

All requests for vacation must be approved by the Department Director prior to the commencement of the requested vacation. All requests should be submitted with as much notice as possible in advance of the requested leave. The City Manager shall approve all vacation schedules for Department Directors.

Accrued and unused annual leave may be used to supplement sick leave if the employee has exhausted sick leave accruals. There is no limit on the accumulation of annual leave. Employees may cash out a maximum of 240 hours of accrued vacation at the time of separation from the City. Accrued vacation in excess of the 240 hours shall be credited to the Public Employees Retirement System (PERS).

~~Fire Department shift personnel shall refer to Article 18, Vacation of labor agreement between City of Gautier and Local 3290. (Pending Negotiation)~~

SECTION 16.1. Accrual of Annual Leave/Vacation Leave.

Annual leave for all regular full-time employees (Schedule 2080) is accrued as follows:

<u>Tenure</u>	<u>Accrual Per Month</u>	<u>Accrual Per Year</u>
0-1 Year	5.5 Hours	8.25 Days
1-5 Years	8 Hours	12 Days
5-10 Years	10 Hours	15 Days
10-15 Years	12 Hours	18 Days
15+ Years	13.5 Hours	20.25 Days

~~(Pending Negotiation) Annual leave for Fire Department shift personnel (Schedule 2808) is accrued as follows:~~

<u>Tenure</u>	<u>Accrual Per Month</u>	<u>Accrual Per Year</u>
0-5 Years	12 Hours	6 Days
5-10 Years	18 Hours	9 Days
10+ Years	24 Hours	12 Days

~~Pending Negotiation Annual leave for Police Department shift personnel (Schedule 2184) is accrued as follows:~~

<u>Tenure</u>	<u>Accrual Per Month</u>
1 Year	½ shift credit
1-10 Years	1 shift credit
10+ Years	1½ shift credit

(All police department employees under Schedule 2080, should refer to the annual leave chart for Schedule 2080 employees)

SECTION 17. Leave of Absence without Pay.

When any employee must be absent from work and has no appropriate leave accrued, the Department Director may grant a leave of absence without pay for a period not to exceed forty (40) hours. Any leave of absence without pay for a period exceeding forty (40) hours must also be approved by the City Manager. In no case, however, may a period of leave of absence without pay exceed ninety (90) days. During the period of approved and unpaid leave, the employee must pay for any optional insurance coverage at the employee rate on a pro-rata basis during the period of unpaid leave. During periods of leave without pay, all leave accrual shall be pro-rata based on the number of hours worked in the month. Vacation shall be charged in half hours rounded to the nearest half hour on the employee's time sheet.

~~Fire Department shift personnel shall refer to Article 16, Leave of Absence, Section C, Leave without Pay of local agreement between City of Gautier and local 3290. (Pending Negotiation)~~

~~Police Department permanent full-time employees with at least twelve (12) months of continuous service with the City will be eligible to receive leaves of absence without pay, not to exceed thirty (30) days, for personal reasons such as marriage, illness of a family member, disposal of a family estate, funeral for other than immediate family, and other emergencies upon recommendation of the Chief of Police. Seniority shall be earned while on personal leave. (Pending Negotiation)~~

SECTION 18. Travel and Training.

Mileage will be reimbursed per mile equal to the rate allowable by Mississippi Department of Finance and Administration (www.dfa.state.ms.us); all other allowable expenses are reimbursed on an actual cost basis. All expenses must be itemized. Claims for reimbursement of travel expenses, other than mileage, shall be accompanied by invoices and/or receipts showing proof of payment of such claims, except the daily meal per diem as provided hereafter. City travel and meal expenses may have ceilings above which expenditures are not reimbursable. Employees are urged to obtain this information from the City Clerk prior to travel. Requests for reimbursement of travel expenses incurred while on official business must be submitted within five days on a City of Gautier Expense Reimbursement Request form. In some situations, the City may provide for advance payment for travel expenses. If an employee desires an advancement of travel expenses, he/she should complete a City of Gautier Employee Request for Travel Advance form.

SECTION 18.1. Travel Advance Authorization

Travel authorization requests for advance payment for travel expenses incurred while on official business must be submitted on the Travel Authorization form. If possible, travel advance requests should be submitted to accounts payable thirty (30) days prior to the travel dates. The employee must also plan their request so that payment approval may be accomplished a minimum of seven (7) days prior to scheduled travel.

- a) Approval. Forms are to be submitted to department heads for verification and approval prior to issuance of travel advances. If approved, the department director will forward the request for travel advance to accounts payable.
- b) Accounts payable will review the request for compliance to the employee handbook and the Mississippi Department of Finance & Administration for accuracy and costs estimates.