

ORDINANCE NO. 1082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STAFFORD, TEXAS; AMENDING THE CITY OF STAFFORD PERSONNEL POLICIES AND PROCEDURES MANUAL BY AMENDING SUBSECTION C. "SICK LEAVE" AND SUBSECTION E. "VACATION LEAVE TIME"; OF SECTION V. EMPLOYEE BENEFITS; AMENDING SUBSECTION A "OFFICIAL CITY HOLIDAYS OF SECTION 11 "HOLIDAYS AND SPECIAL CLOSING; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STAFFORD, TEXAS:

Section 1. That the City Council finds that Subsection E. "Vacation Time" of Section V. "EMPLOYEE BENEFITS" of the Stafford Personnel Policy Manual should be revised to read as follows:

E. VACATION LEAVE TIME

1. Purpose.

Vacation leave time is a benefit given in order that an employee shall have time off without loss of regular income to rest and relax from his or her assigned duties.

2. Eligibility.

Only full-time permanent employees may earn vacation leave.

3. How Earned.

Vacation leave shall be earned on the following basis:

- a. Employees Regularly Scheduled to work 8 hours per day.
 - i. New employee through one year 6.67 hours/month (5/6 day)
 - ii. One year through nine years 6.67 hours/month (10 days/year)
 - iii. Ten years through nineteen years 10 hours/month (15 days/year)
 - iv. Twenty years or more 13.33 hours/month (20 days/year)

b. Stafford Police Department Officers Regularly Scheduled for 12 Hour Shifts (7K employees)

- i. New employee through one year 10 hours/month
- ii. One year through nine years 10 hours/month (10 days/year)
- iii. Ten years through nineteen years 15 hours/month (15 days/year)
- iv. Twenty years or more 20 hours/month (20 days/year)

c. Stafford Fire Department Officers Regularly Scheduled for 24 Hour Shifts (7K employees)

- i. New employee through one year 20 hours/month
- ii. One year through nine years 20 hours/month (10 days/year)
- iii. Ten years through nineteen years 30 hours/month (15 days/year)
- iv. Twenty years or more 40 hours/month (20 days/year)

4. In Time-Without-Pay Status.

Vacation leave shall not be earned for any time in which an employee is in time-without-pay status.

5. Anniversary Date.

An employee's anniversary date of employment shall be recorded as the anniversary date for the purpose of vacation accrual.

6. No Payment in lieu of Vacation Leave.

Except in the event of termination, as provided below, no payment in lieu of vacation leave shall be given.

7. Minimum.

Vacation leave may be taken in increments of one (1) hour, if approved by the requesting employee's supervisor.

8. Maximum Accrual.

- a. The maximum number of vacation leave hours an employee that is regularly scheduled to work 8 hours a day may accrue shall not

exceed two (2) times the maximum number of vacation leave hours the employee may earn during the year of accrual.

b. The maximum number of vacation leave hours a Stafford Police Officer (7K) that is regularly scheduled to work 12 hours a day may accrue shall not exceed one and one third (1-1/3) times the maximum number of vacation leave hours the employee may earn during the year of accrual.

c. The maximum number of vacation leave hours a Stafford Firefighter (7K) that is regularly scheduled to work 24 hours shifts day may accrue shall not exceed two thirds (2/3) of the maximum number of vacation leave hours the employee may earn during the year of accrual.

Employees shall be encouraged to use their vacation time each year.

9. Vacation Pay on Termination.

Upon termination due to a voluntary separation, discharge, retirement, or death of an employee, the employee or his or her estate, as applicable, shall be paid for the accrued but unused vacation leave as of the effective date of the termination; provided, however, the maximum amount of vacation leave paid upon termination, regardless of the amount accrued but unused, shall not exceed as follows:

a. Employees Regularly Scheduled to work 8 hours per day:

Maximum earned in 1-year

b. The maximum number of vacation leave hours a Stafford Police Officer (7K) that is regularly scheduled to work 12 hours per day:

2/3 maximum earned in 1-year

c. The maximum number of vacation leave hours a Stafford Firefighter (7K) that is regularly scheduled to work 24 hours per day:

1/3 maximum earned in 1-year

An employee shall not be allowed to extend his or her termination date by using vacation leave once he or she is no longer reporting to work. Instead, the remaining unused vacation time shall be paid out at termination in accordance with this paragraph.

10. Approval.

Supervisor approval shall be obtained before vacation leave time is taken. Before granting vacation leave, the supervisor shall check with Human Resource Specialist to verify that the employee has earned the number of days requested. Employees shall not be allowed to take vacation during their six-month probationary period, unless such vacation is approved by Council. Regardless of the amount of vacation leave hours accrued, the maximum hours of vacation leave that may be taken at one time is the maximum amount the employee is eligible to earn in the year the time is taken.

11. Vacation Schedules.

Department Heads shall schedule or approve vacations giving due consideration to the needs of the City and the interests of the employee. It is the responsibility of the Department Head to ensure that vacations do not unduly interfere with work flow and City service requirements.

12. Charging Vacation Time.

Vacation leave shall be charged only for time during which the employee would ordinarily have worked.

13. Retaining Accrued Vacation Leave.

Employees being transferred, promoted, or demoted shall retain accrued vacation leave.

14. Holidays during Vacation Leave.

Official holidays occurring during a vacation shall not be charged to vacation leave.

15. Vacation Leave Advances.

Vacation leave shall not be advanced to employees.

16. Transferability of Vacation Leave.

Vacation leave credits are not transferable between employees

Section 2. That the City Council finds that Subsection C. "Sick Leave Time" of Section V. "EMPLOYEE BENEFITS" of the Stafford Personnel Policy Manual should be revised to read as follows:

C. SICK LEAVE

1. Purpose.

Sick leave is given in order that an employee may regain his health without loss of regular income so as to be able to resume and perform his or her assigned duties. Sick leave shall be taken off only when illness, injury, surgery or medical need renders the employee incapable of performing his or her assigned duties. Notwithstanding the foregoing, sick leave may be taken to care for a son or daughter or spouse of the employee. "Son" or "daughter" shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent, who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability. Employee must call his or her immediate supervisor when unable to report for work within two hours of regular reporting time on day of absence. Maternity leave may be charged against accumulated sick leave. Sick leave time shall not be used for attending funerals.

2. Method of Accumulation.

Only full-time employees shall be entitled to earn sick leave. Sick Leave shall be credited to the employee on the last pay period of the month.

Sick leave shall be earned on the following basis:

a. Employees Regularly Scheduled to work 8 hours per day.

New employee through career 6.67 hours/month (10 days/year)

b. Stafford Police Department Officers Regularly Scheduled for 12 Hour Shifts (7K employees)

New employee through career 10 hours/month (10 days/year)

c. Stafford Fire Department Officers Regularly Scheduled for 24 Hour Shifts (7K employees)

New employee through career 20 hours/month (10 days/year)

3. Maximum.

All full-time permanent employees may earn a maximum total of 10 days per year. Employees may accumulate a maximum of 180 days. Sick Leave shall be credited to the employee on the last pay period of the month. However, when a person's employment is terminated, whether

voluntarily or involuntarily, including retirement, such person shall receive payment for a maximum of 240-hours of accumulated sick leave at the base salary in effect on the date of such termination.

4. Prior Notice.

An employee must give prior notice to his or her supervisor, except in case of emergency, when sick leave time is taken off. Employee's sick leave shall be charged against accrued sick leave time. As an example, prior notice must be given whenever sick leave time is to be taken off for planned surgery.

5. Partial Days.

Sick leave may be taken in increments of not less than one (1) hour.

6. Comp Time / Vacation Permitted for Sick Leave.

After an employee's accumulated sick leave has been exhausted, sick leave shall be charged against vacation and/or compensatory time.

7. Proof of Illness.

Medical proof of illness or injury shall be required when an employee has missed three (3) consecutive days of work due to illness or injury and may be required by the Council or supervisory personnel at any time there is a reasonable belief that an employee is abusing sick leave time. Upon absence from work for three (3) consecutive days due to illness or injury or upon request by Council or supervisory personnel, the employee utilizing sick leave time shall be required to obtain and present a written statement from the attending physician, surgeon, dentist or other duly licensed and recognized medical person rendering assistance.

8. Exhaustion of Sick Leave.

When an employee has used all of his or her accumulated sick leave, vacation leave, and compensatory time he or she will not be paid for those days absent from his or her job because of illness, except as provided under Section K, below.

9. Abuse of Sick Leave.

Claiming of sick leave benefits on a frequent basis may constitute grounds by the Council that the physical condition of the employee is below the standard necessary for the proper performance of his or her duties.

Likewise, evidence of the abuse of this benefit will constitute grounds for dismissal or disciplinary action by the Council.

10. Illness Occurring While on Vacation.

An employee who becomes ill or injured during a vacation may request that the vacation be terminated and the time of the illness be charged to sick leave.

Section 3. That the City Council finds that Subsection A. "Official City Holidays" of Section XI. "HOLIDAYS AND SPECIAL CLOSING" of the Stafford Personnel Policy Manual should be revised to read as follows:

A. OFFICIAL CITY HOLIDAYS

Employees shall receive twelve (12) paid holidays per year as designated by City Council. In the event one of the holidays should fall on a Saturday or Sunday, Council shall designate a working day which shall be taken off as the holiday. Holiday leave shall be earned on the following basis:

a. Employees Regularly Scheduled to work 8 hours per day.

New employee through career 12 days per year.

Employees may carryover 2 days until March 31 of the following year.

b. Stafford Police Department Officers Regularly Scheduled for 12 Hour Shifts (7K employees)

New employee through career 12 hours/holiday (12 days/year)

Employees may carryover 36 hours until June 30 of the following year.

c. Stafford Fire Department Officers Regularly Scheduled for 24 Hour Shifts (7K employees)

288 hours front loaded if employee begins employment between January 1 and June 30. (12 days/year)

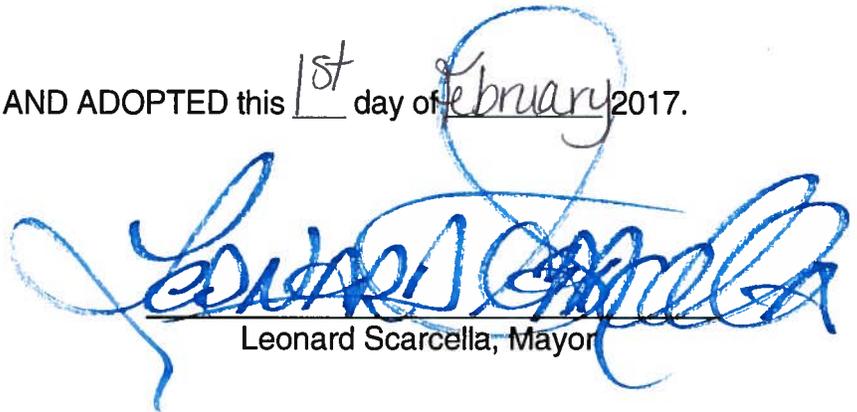
144 hours front loaded if employee begins employment begin July 1 and December 31.

Employees may carryover 48 hours until June 30 of the following year.

Section 4. That all other policies and ordinances of the City that are in conflict with the changes made herein are amended to the extent necessary to comply with this.

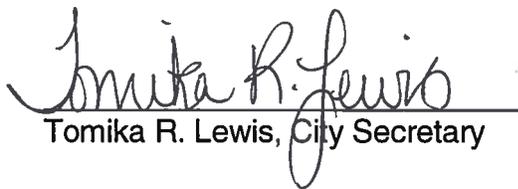
Section 5. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Stafford, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 1st day of February 2017.



Leonard Scarcella, Mayor

ATTEST:



Tomika R. Lewis, City Secretary