Rule 4.1 DESIGNATED HOLIDAYS

a. All full-time, non-exempt employees shall be paid for the following designated holidays and when required to work on such days, hourly employees shall be paid at a rate of time-and-one-half for hours worked in addition to Holiday pay (ex. 8 or 7.5 hours). However, non-exempt, shift-work personnel such as, Dispatchers, and Community Service Aides, shall receive the Holiday pay (in lieu of the time off for holidays), payable in the first pay period in December. The payment to the shift-work personnel shall be based on the number of holidays from the date of hire. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section.

   New Year’s Day
   Martin Luther King Jr.’s Birthday
   President’s Day
   Memorial Day
   Independence Day
   Labor Day
   Veterans’ Day
   Thanksgiving Day
   Friday after Thanksgiving
   Christmas Day
   Employee’s Birthday (Must be taken during the birth month)

   Should any designated holiday fall on Sunday, the following Monday shall be observed. Holidays falling on Saturdays shall be observed on the preceding Friday.

b. Employees must be on active pay status and/or work their scheduled hours on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for the unworked holiday pay. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section.

c. Employees given holiday work assignments who fail to report for and perform such work for any reason other than verified illness or emergency, shall not receive pay for the unworked holiday and may be subject to disciplinary action.

d. If an employee is on authorized leave when a holiday occurs, that holiday shall be charged to holiday leave and not to vacation, sick or other such leaves.

e. Exempt employees eligible for holiday leave who are scheduled to work on the designated holiday must take the holiday during the same month in which it occurs. Carryover of holiday leave is not allowed.

f. All full-time employees are granted two (2) PERSONAL DAYS. The Personal Days shall be taken each year by September 30 or be lost.

Rule 4.2 VOTING

Employees are encouraged to exercise their right to vote outside of their scheduled working hours.
CHAPTER IV

LEAVE BENEFITS

Rule 4.3 VACATION LEAVE

Full-time employees shall be entitled to earn and accrue annual vacation leave with pay. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section. All leave credits are to be determined each January 1.

A. COMPUTATION OF VACATION LEAVE

Annual vacation leave shall accrue at the following rate:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>40-hour workweek employee</th>
<th>37.5-hour workweek employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5 years</td>
<td>6.67 hrs/mo (80)</td>
<td>6.26 hrs/mo (75)</td>
</tr>
<tr>
<td>More than 5 but less than 10 years</td>
<td>10.00 hrs/mo (120)</td>
<td>9.38 hrs/mo (112.5)</td>
</tr>
<tr>
<td>More than 10 years</td>
<td>13.33 hrs/mo (160)</td>
<td>12.50 hrs/mo (150)</td>
</tr>
</tbody>
</table>

Upon separation from service for any reason, the employee shall be paid for all accrued unused vacation. Payment of such leave shall be made as specified in subsection (f) below. Such payment shall not be construed to extend employment beyond the last day actually worked.

B. ACCUMULATION OF ANNUAL LEAVE

The Village recognizes the value of time off for employees to rest and return to work with renewed vigor and, therefore, encourages the use of vacation leave. Employees may use vacation time as it is accrued. No more than two hundred and forty (240) hours of accrued vacation time may be carried forward into the next calendar year.

C. RESTRICTIONS

Annual leave shall not be earned by an employee during leave of absence without pay, suspension, or when the employee is otherwise on a non-pay status.

D. VACATION REQUESTS AND SCHEDULING

Department Heads shall schedule annually for vacation leave of employees in their department with due consideration to the needs of the Village, wishes of the employees, and seniority. The Department Head’s determination of the schedule of leaves shall be final. Request for vacation leave shall be documented by the employee on the timekeeping system. Except in the event of an unforeseen emergency, vacation leave must be requested and approved by the supervisor in advance of the leave dates. A two-week minimum advance notification is preferred of all leave requests lasting longer than one (1) day.

E. DONATION OF ACCRUED VACATION LEAVE

1. Full-time employees may donate accrued vacation leave to a designated Village employee when illness requires the designated employee to be absent from work for a lengthy period of time and when the employee has exhausted all accrued vacation and sick leave.

2. The employee without available sick or vacation time shall submit a request to the Human Resources Manager in writing requesting that a Donation Notice be posted on his or her behalf.
3. Employees wishing to donate unused vacation time shall submit a Personnel Action Form to the Human Resources Manager indicating the number of hours he or she would like to donate.

4. The Human Resources Manager will compute the dollar value of the time donated based on the donor’s rate of pay, divided by the recipient’s hourly rate to determine the number of hours available to the recipient.

F. PAYMENT IN LIEU OF ANNUAL LEAVE

Employees may elect payment of accrued, unused annual leave in lieu of taking time off. The calculation of leave, which is received in lieu of taking time off, shall be made on the basis of the straight time rate of pay in effect when the payment is processed. Requests for payment in lieu of annual leave shall be requested and documented on the timekeeping system using pay code, “buy-back vacation” (BBK-V).

Rule 4.4 SICK LEAVE

Sick leave is a privilege granted to full-time employees as a short-term income protection plan when employees meet the eligibility requirements. Full-time employees shall be entitled to earn and accrue annual sick leave with pay. Under no circumstances shall temporary, seasonal, provisional or part-time employees be entitled to the provisions of this section. All sick leave credits are to be determined each January 1.

A. ELIGIBILITY

Sick leave may be granted for the following:

1. When an employee is unable to perform his or her duties because of sickness or non-job related injury or illness;

2. Personal medical, dental and optical appointments; and

3. Absence due to illness of spouse, or dependent members of the household. For the purpose of this policy, dependent members of the household are defined as those claimed on the employee’s income tax return.

4. When an employee has exhausted the maximum period for supplemental workers’ compensation pay as outlined in Rule 4.5(a)1, the employee may use accrued sick leave to supplement workers’ compensation benefits beyond the 180-days of supplemental pay but only after exhausting all available vacation, personal and compensatory time. The amount of sick leave allowed under this subsection shall be no more than necessary to supplement the workers’ compensation benefit and shall be based on the equivalent of the employee’s weekly base pay minus the weekly workers’ compensation benefit. See Workers’ Compensation Supplemental Pay Worksheet.

B. COMPUTATION

1. Sick leave shall be calculated at the rate of eight (8) hours per month, if on a forty (40) hour workweek and at the rate of seven and one-half (7.5) hours per month, if on a thirty-seven and one-half (37.5) hour workweek. Sick leave shall not be earned by an employee during suspension or when the employee is otherwise on a non-pay status.
2. Sick leave earned shall not be charged for disability leave due to job injury for which workers' compensation benefits are paid; except as indicated under Rule 4.4 (A) 4.

3. Accrued vacation leave shall be used as sick leave when all sick leave credits have been exhausted.

4. Period of authorized sick leave shall be counted as working time in the calculation of any other benefits provided for under these rules with the exception of overtime as outlined in Rule 6.7.c.

5. Sick leave shall not be used as vacation time under any circumstances.

C. SICK LEAVE REQUESTS AND REQUIREMENTS

1. Sick leave shall be documented by the employee on the timekeeping system as soon as practicable following the use of sick leave, or documented in advance when possible. In circumstances wherein an employee is unable to request their sick leave, the supervisor may document the employees' timesheet on their behalf.

2. It is the employees’ responsibility to notify his or her Department Head as far in advance as is possible of any absence. Failure to give such timely notification, without good cause, will forfeit any claim for sick pay.

3. When an employee is absent due to illness for a period longer than one day, he or she may be required to submit medical evidence of the reason for absence, upon request by his or her Department Head. If one has a record of excessive one-day absences, one may, at the discretion of the Department Head, be required to submit evidence of the reason for even one-day absences.

4. Medical, dental, and optical appointments shall be charged for the actual time used in amounts not smaller than one-quarter hour.

5. Employees shall call in every day to report in sick, even in instances of prolonged illness, unless other instructions are provided by the Department Head.

D. ACCUMULATED SICK LEAVE

Employees who are eligible to accrue sick leave may accumulate a maximum of one thousand and forty (1,040) hours if on a forty (40) hour work-week and nine hundred and seventy-five (975) hours if on a thirty-seven and one-half (37.5) hour work-week. There shall be no payment for unused accumulated sick leave upon termination of employment for any reason.

E. SELL BACK

Employees on active status may sell back to the Village up to twenty-five percent (25%) of the remaining annual accrual up to a maximum of twenty-four (24) hours (or 22.5 hours if on a 37.5-hour workweek). The calculation of hours sold back shall be based on the straight time rate of pay in effect on December 31. Payment of sick leave sell-back hours shall be made in January.

Requests for selling-back sick leave shall be made by the employee on a Personnel Action Form and submitted to the Human Resources Office.
Rule 4.5 DISABILITY LEAVE - WORKERS’ COMPENSATION

All municipal employees are covered by Workers’ Compensation Laws and are entitled to benefits as provided and limited by such laws. Full-time employees disabled due to job injury and having been awarded salary compensation benefits under Workers’ Compensation Laws may receive disability leave and may be eligible for supplemental compensation at the employee’s regular pay rate. All accidents and injuries must be reported immediately to one’s supervisor who shall forward the same to the Department Head. The supervisor shall follow up with an investigation as provided by the Village’s Safety Program and forward it to the Department Head and Human Resources Manager.

A. SUPPLEMENTAL WORKERS’ COMPENSATION PAY

Full-time employees disabled due to job injury and having been awarded salary compensation benefits under Workers’ Compensation laws may be eligible for supplementary compensation as follows:

1. The Village will continue the employees regular weekly base pay, or, if the employee chooses, the Village will pay the difference between the Workers’ Compensation benefit awarded and the employee’s regular rate of pay at the time of the accident, in either case, for a maximum period of one hundred eighty (180) days per injury or, one hundred eighty (180) calendar days in a calendar year (January through December), whichever is less. See Workers Compensation Supplemental Pay Calculation Worksheet.

2. Employees failing to report injuries within twelve hours from occurrence of such injury may be excluded from any supplemental Workers’ Compensation pay benefit. Additionally, the employee may be disciplined for failure to comply with the Employee Policies and Procedures Manual.

3. Any injuries due to the employee’s own misconduct or willful negligence will not be considered for supplemental Workers’ Compensation pay and the employee may be disciplined for failure to comply with the Employee Policies and Procedures Manual and other departmental policies.

Rule 4.6 OTHER LEAVES WITH PAY

The following types of leave with pay may be granted upon recommendation of the Department Head, and subject to the approval of the Village Manager.

A. JURY DUTY

Full-time employees who are summoned to Jury Duty by a court of competent jurisdiction shall be granted time off with pay provided the employee provides a copy of the summons to his/her supervisor at least five (5) work days prior to commencement of service as a juror. This notification allows for advance planning during an employee’s absence. Any employee who is released from Jury Duty and has half a day or more of regularly scheduled work time remaining shall report to work as soon as possible. Proof of time served on Jury Duty shall be required and provided to the supervisor to be added to the timekeeping system as supporting documentation for the absence. According to Florida Statute Section 40.24, each juror who serves more than three (3) days is entitled to be paid by the state for the fourth day of service and each day thereafter at the rate of thirty dollars ($30) per day of service. The Village shall withhold from the employee’s usual wages or salary an amount equal to the statutory fees to which the employee is entitled for serving as a juror as permitted in the Miami-Dade County Code, Section 11-32, unless the employee endorses their jury pay to the Village.
B. COURT APPEARANCES

The Village shall grant an employee leave with pay for appearance at any judicial proceeding where the employee has been required by the Village to appear or where he/she has been subpoenaed relative to Village business or to the scope of his/her employment with the Village. Employees are to notify their Department Head as soon as practicable after receiving a subpoena or other notice to attend any such judicial proceeding. An employee who is a litigant or required to appear for their own personal purposes or for an action unrelated to the scope of their employment or witness against the Village, however, shall not be compensated under this rule. Vacation time may be used for this purpose.

C. MILITARY LEAVE

Employees shall be granted military leave in accordance with the Uniformed Services Employment & Re-employment Rights Act of 1994 (USERRA), as amended, and Chapter 115, et seq., Florida Statutes. The following provisions shall be observed:

1. Employees who by reason of membership in the Florida National Guard or other reserve components of the Armed Forces of the United States are ordered by appropriate authority to attend a training period shall, upon presentation of his or her official orders, be entitled to leave of absence with pay not to exceed 240 working hours in any one annual period pursuant to Florida Statute Chapter 115.07. Such leaves shall be without loss of vacation, pay, time, or efficiency rating, on all days during which the employee is engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty.

2. Employees who are called to active duty shall be granted leave of absence from their respective offices and duties to perform active military service, the first 30 calendar days of any such leave of absence to be with full pay.

3. Employees requesting military leave under this policy should submit copies of their orders prior to the beginning of the leave or as soon as practicable thereafter.

4. Employees who perform service in the uniformed services, as defined USERRA, will receive all rights and benefits for which they are eligible under the Act.

D. BEREAVEMENT LEAVE

Upon approval of the Village Manager, full-time employees may, upon request, be granted time off with pay not to exceed four (4) consecutive work days in the event of a death in their immediate family. The employee’s immediate family shall be defined as the employee’s spouse, father, mother, stepparents, natural, step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents, grandchildren, brother-in-law and sister-in-law, and registered domestic partner (including all “in-law” relationships specified herein of the domestic partner). With approval by the Village Manager, additional time off may be granted but shall be charged to vacation.

Proof of death in the form of a death certificate, obituary, memorial folder or other documentation confirming the death must be provided with the bereavement leave request or as soon as practicable after the death. The employee shall request the bereavement leave on the timekeeping system and indicate on the request the name of the deceased and the relationship of the deceased to the employee. The supervisor approving the bereavement leave shall be responsible for the collection of required documentation and providing such documentation to the payroll coordinator.

All bereavement leave is to be taken on consecutive workdays and must start no later than five days after the death occurs.
CHAPTER IV

LEAVE BENEFITS

Rule 4.7 LEAVE OF ABSENCE WITHOUT PAY

Upon recommendation of the Department Head and approval of the Human Resources Manager and Village Manager, leaves without pay may be granted for the following:

a. Employees who are called into active military service shall be entitled to such unpaid leaves and re-employment rights as provided for and limited by federal and state law.

b. Employees may be granted leaves for any reason deemed by the Village Manager to be in the best interest of the Village; but such leaves shall not be granted for a period longer than six months.

c. An employee who is required to be absent from work due to reasons specified in the Family and Medical Leave Act, shall be granted such unpaid leave as provided for and as limited by the Act and Village Family and Medical Leave Act Policy outlined in Rule 4.8.

d. No fringe benefits shall accrue while an employee is on leave of absence without pay with the exception that an individual entitled to military leave will receive all benefits as required by Federal and State law.

Rule 4.8 FAMILY AND MEDICAL LEAVE ACT OF 1993 – VILLAGE POLICY

The purpose of this section is to explain Village policy regarding the Family and Medical Leave Act (FMLA) and how this interrelates with other Village personnel policies. Employees wishing to obtain additional information or request FMLA should contact the Human Resources Manager.

a. To qualify for FMLA under this policy an employee must have been employed by the Village for one year and have worked at least 1,250 hours over the previous 12 months preceding the date the leave is to begin. Employees qualifying for FMLA are entitled to take up to 12 work weeks of job-protected leave in a twelve-month period when the leave is for one of the following reasons (or up to a total of 26 weeks if for military caregiver leave):

1. The birth of a child and to bond with the newborn child within one year of birth;

2. The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement;

3. To care for the employee’s spouse, child, or parent with a serious health condition;

4. A serious health condition which makes the employee unable to perform an essential function of his/her job; or,

5. For qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves or the Regular Armed Forces.

6. For Military Caregiver Leave. An employee who is a spouse, son, daughter, parent, or next of kin of a covered service member will be able to take up to 26 work weeks of leave in a single 12-month period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.
CHAPTER IV

LEAVE BENEFITS

SPOUSES

a. Spouses employed by the Village (i.e., same employer), are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition, to a combined total of 12 work weeks, (or 26 work weeks if leave is to care for a covered service member with a serious injury or illness). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

b. The definition of spouse includes individuals in lawfully recognized same-sex and common law marriages and marriages that were validly entered into outside of the United States if they could have been entered into in at least one state.

COVERAGE OF ADULT CHILDREN UNDER THE FMLA

a. In general, an employee may not take FMLA leave to care for a son or daughter who is 18 years of age or older. However, an employee may take FMLA leave to care for a biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in loco parentis, who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. An eligible employee who takes FMLA leave is entitled to be restored to the same or equivalent position that the employee held when the leave started, provided that the employee returns to work following the end of the leave.

b. The Village requires that accrued paid leave be substituted for unpaid FMLA leave and that all accrued sick (if applicable), vacation leave and compensatory time be exhausted before going on unpaid leave status. Thus, any accrued leave will be used concurrently with any FMLA leave.

c. The Village will designate leave, paid or unpaid, as FMLA qualifying and give notice to the employee of this designation within five business days of having enough information to determine whether the leave is FMLA-qualifying. The Village will also notify the employee whether or not he or she is eligible for leave under the FMLA and whether a required leave is counted against the employee’s twelve (12) week FMLA entitlement.

d. Employees shall provide at least thirty (30) days’ advance notice before FMLA leave is to begin if the need for the leave is foreseeable. Employees shall submit their request for FMLA leave in writing to their immediate supervisor on the appropriate form available on the Intranet or the Human Resources Office. If thirty (30) days’ notice is not possible or practicable, taking into account all of the facts and circumstances of the individual case, then notice shall be given as soon as practicable. Employees failing to provide thirty (30) days’ notice for foreseeable leave with no reasonable excuse for the delay may be denied a leave until at least thirty (30) days from the date the Village receives the notice.

e. The method for determining the “twelve (12) month period” in which the twelve (12) weeks of leave entitlement occurs is a “rolling” twelve (12) month period measured backward from the date an employee uses any FMLA leave. Under this method, each time you take FMLA leave the remaining leave entitlement would be the balance of the twelve (12) weeks, which has not been used during the immediately preceding twelve (12) months. For example, if you had taken eight (8) weeks of FMLA qualifying leave during the past twelve (12) months, an additional four (4) weeks of FMLA leave could be taken.

f. Employees will be required to furnish medical certification of a serious health condition as soon as practical when this is the reason for the FMLA leave. A fitness for duty certificate must be provided prior to being returned to work when the leave is for your own serious
health condition. The Village may require a second opinion if it has reason to doubt the certification. The Village shall pay for the employee to get a certification from a second doctor selected by the Village. If necessary to resolve a conflict between the original certification and the second opinion, the Village may require the opinion of a third doctor. The Village and the employee will jointly select a third doctor, and the Village shall pay for the opinion. The third opinion will be considered final.

g. The Village shall continue the employee’s health coverage during FMLA leave at the same level and under the same conditions coverage would have been provided if the employee had continued working. Employees, who pay by payroll deduction for dependent health insurance and/or dependent dental insurance, must continue to pay these premiums while on unpaid leave status. An employee will have a thirty (30) day grace period in which to make premium payments. The Village will notify the employee at least fifteen (15) days before his or her dependent coverage would be canceled for non-payment while on unpaid leave.

h. Employees placed on workers’ compensation leave after missing three (3) or more days of work because of a job-related injury or illness shall be required to concurrently use any and all FMLA leave available to the employee. If the employee is placed on workers’ compensation leave, the leave will begin as of the first day the employee missed work. All policies and procedures of the FMLA leave will apply except employees are not required to use accrued paid leave while workers’ compensation benefits are provided.

i. If an employee is taking intermittent leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the Village before taking intermittent leave or working a reduced schedule. If this is not possible, then the employee must provide certification of medical necessity. The Village may otherwise require certification of medical necessity. The Village may temporarily transfer the employee to an available alternative position with equivalent pay and benefits. Such transfers will not be made to discourage employees from taking such leave, but will be made where the alternative position better accommodates the need of the employee and the Village. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to Village approval.

Rule 4.9 DOMESTIC VIOLENCE LEAVE

Employees are eligible to take up to three (3) working days of domestic violence leave within a 12-month period to deal with issues relating to domestic violence suffered by the employee or a family or household member.

Employees may qualify for this leave for one or more of the following reasons:

a. To seek an injunction for protection against domestic violence, or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;

b. To obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;

c. To obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

d. To make the employee’s home secure from the domestic violence or sexual violence perpetrator or to seek new housing to escape the perpetrator; or
e. To seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or attend and prepare for court-related proceedings arising from the domestic violence or sexual violence.

Employees should submit their written leave request to the Human Resources Manager and provide advance notice of seven (7) days of the need for leave, except in cases of imminent danger to the health and safety of the employee or to an employee’s family or household member. The request must also be accompanied with sufficient documentation of the act of domestic violence. The documentation may include copies of police reports, restraining orders, legal papers to be filed with the court, orders to appear in court, or any other documentation to establish the need for a leave as set out in this policy.

All information relating to an employee’s leave under this policy including the circumstances involving the leave request, supporting documentation and time records identifying use of leave shall be kept confidential and exempt from disclosure to the extent authorized by law.

The Village will not tolerate retaliation against any employee who takes domestic violence leave.

Definitions

a. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

b. "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

c. "Victim" means an individual who has been subjected to domestic violence

Pay Status

Employees seeking leave under this policy must have exhausted all vacation, personal days, and compensatory time before unpaid domestic violence leave will be granted.

Reference: Florida Statute §741.313