

# Policy and Administrative Regulations

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**EFFECTIVE DATE: December 30, 2020**

**POLICY ORGANIZATION: Department of Human Resources**

**APPROVAL**

DocuSigned by:

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## I. PURPOSE

The City of Norfolk values its employees and encourages a work-life balance that elevates the organization to be an employer of choice. In support of this goal, the City offers a variety of leave benefits to all classified and unclassified employees in the service of the City. The purpose of this policy is to regulate all forms of leave that are provided and to outline procedures for the request, approval, and the utilization of such leave.

## II. POLICY

This policy provides leave benefits to eligible employees as defined in the procedures below.

All requests for leave should be submitted and approved in advance of any absence from work. It is recognized that City departments may have established departmental leave policies related to leave utilization which are unique and are designed to meet organizational needs. Employees are also required to adhere to established departmental leave policies.

Leave is granted at the discretion of the department head or designee and may be disapproved depending upon operational need, insufficient justification, or misuse. Employees should not presume leave will be approved solely because accumulated leave is available. Documentation to support any absence may be required by a department head.

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## III. PROCEDURE

### Leave Types

#### A. Annual Leave

All members of the classified and unclassified service and special project employees granted leave benefits by ordinance are eligible for annual leave. Periods of leave without pay will not be counted for the purpose of accumulation of leave with pay.

<b>Employees with:</b>	<b>Accrue:</b>
Less than 5 years of Service	96 hours (8 hours per month)
5 years but less than 10	120 hours (10 hours per month)
10 years but less than 15	144 hours (12 hours per month)
15 years but less than 20	168 hours (14 hours per month)
20 years but less than 25	192 hours (16 hours per month)
25 years or more	216 hours (18 hours per month)
Department Heads, Executives and Council Appointees and will earn an additional two (2) hours per month for each category.	

<b>Sworn Fire-Rescue Employees with:</b>	<b>Accrue:</b>
Less than 5 years of Service	124.8 hours (8 hours per month)
5 years but less than 10	156 hours (10 hours per month)
10 years but less than 15	187.2 hours (12 hours per month)
15 years but less than 20	218.4 hours (14 hours per month)
20 years but less than 25	249.6 hours (16 hours per month)
25 years or more	280.8 hours (23.4 hours per month)
Department Heads and above will earn an additional two (2) hours per month for each category.	

<b>Carryforward</b>	
<b>Employee Category</b>	<b>Maximum Carryforward as of December 31:</b>
General Employees	58 days (464 hours)
Sworn Fire-Rescue	58 days (603.2 hours)
Department Heads	75 days (600 hours)
Executive and Council Appointees	90 days (720 hours)
City Manager and City Attorney	100 days (800 hours)
Executive is defined as Chief Deputy City Manager and Deputy City Managers Constitutional Officers are treated in the same manner as Executives and Council Appointees	

Annual leave in excess of the maximums listed in the Carryforward table above may be accrued during a calendar year but may not be carried over beyond December 31 of each year. Any such accrued leave in excess of the listed maximums will be forfeited at the end of the first pay period in January of the following year. The City Manager must approve any leave of absence of more than 156 hours for sworn Fire-Rescue employees.

To ensure the City's commitment to providing excellent services management must

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make certain adequate resources are available; therefore, it is necessary for requests for annual leave to be submitted and approved in advance of the leave utilization.

### B. Sick Leave

All members of the classified and unclassified service, special project employees granted leave benefits by ordinance, and periodic part-time employees are eligible for sick leave. Periods of leave without pay will not be counted for the purpose of accumulation of leave with pay.

<b>Employees:</b>	<b>Accrue:</b>
Eligible Employees	Accrued on an hourly basis equivalent to eight hours per month for each full month employed or the calculated fraction for part-time employees.
Sworn Fire-Rescue Employees	Employees assigned to a twenty-one (21) day work cycle accrue twelve (12) hours per month for each full month employed

Sick leave may be utilized for the following purposes:

#### Employee:

- Sickness
- Visits to licensed health care providers
- Contribution(s) to voluntary cooperative program "Sick Leave Bank"

#### Immediate Family Members or Immediate Household Members:

- Sickness
- Visits to licensed health care providers

Immediate Family Members for the purposes of sick leave are defined as parents (natural or adoptive), spouses, children, siblings, and legal wards. Relatives by adoption and step relatives in the described relationships are also immediate family members. Immediate Household Members for the purposes of sick leave are defined as relatives, either by blood, adoption, or marriage, who permanently reside in the employee's primary residence.

Any leave due to sickness must be substantiated by documentation from a physician, if requested by the employee's department head or designee.

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## C. Holiday Leave

All members of the classified and unclassified service and special project employees granted leave benefits by ordinance are eligible for holiday leave.

In order to be eligible to receive holiday pay, eligible employees must actually work the last scheduled workday before and the first scheduled workday after such holiday, or be on annual, sick or otherwise authorized leave with pay on such days.

<b>Holidays:</b>	<b>Observed:</b>
New Year's Day	January 1st
Dr. Martin Luther King, Jr.'s Birthday	Third Monday of January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Election Day <i>(only in years when State of Virginia and/or Federal elections are held)</i>	First Tuesday in November
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th
Employee's Birthday	Utilization Defined Below
Diversity Day	Utilization Defined Below

If any holiday listed above is on a Saturday, it will be observed on the preceding Friday, and if any holiday listed above is on a Sunday, it will be observed on the following Monday. In the event Christmas Day is on a Saturday or a Monday, the Christmas Eve holiday will be observed on the workday preceding the day on which the Christmas Day holiday is observed.

### Employee's Birthday:

The Employee's Birthday holiday may be taken on the employee's birthday; however, the employee's department head may authorize the leave day to be taken at any time during the calendar year in which the birthday falls. New hires

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may take the birthday holiday in the initial calendar year only if their birthday occurs on or after their hire date.

Periodic part-time employees are eligible to receive the Birthday holiday equivalent to their defined workday.

### Diversity Day:

The Diversity Day holiday is one day of leave with pay (based on an employee's approved standard work schedule), on a day to be chosen during a calendar year by each individual employee, for all employees except Fire-Rescue employees on a twenty-four (24) hour shift schedule, who shall be granted twenty-four (24) hours of such leave. This day may be taken in half-day increments (based on an employee's approved standard work schedule). This day shall recognize the personal and religious diversity of the City's workforce.

In recognition of State holidays granted to employees of constitutional officers, employees of those officers are not eligible to receive Employee's Birthday Leave or a Diversity Day.

### **D. Administrative Leave**

All members of the classified or unclassified service are eligible for administrative leave. The City Manager or designee may authorize administrative leave, with pay, as administratively justifiable. Department heads should submit written requests for administrative leave to the Director of Human Resources for review and processing.

Administrative leave may be provided for, but is not limited to, the following:

#### Emergency Leave of Absence

- An employee's department head may request administrative leave for an emergency leave of absence due to circumstances beyond an employee's control.

No emergency leave of absence with pay will be:

- Granted to anyone employed by the City for less than six (6) months immediately preceding the date of such application for an emergency leave of absence;
- For a period longer than one workday for each calendar month the employee has been in the service of the City.

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### Administrative Medical Leave of Absence

Employees totally disabled from working due to preventative medical treatment for a work-related exposure to an infectious disease (or potentially infectious disease); or an illness caused by vaccines or other inoculations required or approved by the City or physicians retained by the City may be eligible for administrative leave.

### Administrative Medical Leave of Absence with Pay

- Will be for the period of total disability when certified by one or more physicians retained by the City;
- Will not extend beyond forty-five (45) calendar days from the date of initial preventative medical treatment or inoculation.

In order for an employee to qualify for an administrative medical leave of absence, the need for preventative medical treatment or inoculation causing disability, the existence of the total disability, and its causation by the treatment or inoculation referred to above must be certified by one or more physicians retained by the City, or by one or more treating physicians, at the sole option of the City. In the event of any dispute, the City shall have the right, in its sole discretion, to accept or reject the opinion of any physician.

In order for an employee to qualify for leave under this section, the employee must not be eligible for benefits under the Virginia Worker's Compensation Act.

### Relocation or Transition

Administrative leave may be authorized in order to provide a new employee a leave of absence for the purpose of facilitating relocation or transition. Unused administrative leave for this purpose will not be paid out upon separation of employment.

### Recruitment and Performance

Administrative leave may be authorized to grant a period of leave for the purpose of facilitating recruitment or in recognition of excellent performance. Leave for this purpose must be taken within one year of being granted; the City Manager or designee may approve, in writing, an additional extension of up to six (6) months for taking such leave. Unused administrative leave for this purpose will not be paid out upon separation of employment.

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With the exception of the leave categories of Emergency Leave of Absence and Administrative Medical Leave of Absence as defined above, administrative leave shall not exceed the following:

<b>Employee Group:</b>	<b>Maximum Authorized Per Fiscal Year:</b>
General Employees Sworn members of the departments of Police and Fire-Rescue, excluding those identified below as senior	3 days (24 hours)
Senior Management (Includes sworn police employees in the classification of Police Captain and above. Sworn fire-rescue employees in the	5 days (40 hours)
Executive	10 days (80 hours)

### **E. Civil Leave**

All members of the classified and unclassified service are eligible for civil leave. Civil leave may be utilized for the following purposes:

#### Jury Duty:

Employees will be entitled to civil leave with pay for periods during normal working hours and on a scheduled workday, when they are required to render jury service or have been summonsed or subpoenaed, except for a defendant in a criminal case, by any court or other proceeding before an agency empowered to issue subpoenas. Such leave will not be granted in any instance when the proceeding involves personal interests of the employee not related to their assigned employment responsibilities with the City, or in any instance when litigation is instituted by the employee or an organization of which they are a member. Although leave will not be granted in such instances, no adverse personnel action shall be taken against the employee, nor shall the employee be required to use sick leave or annual leave as a result of his/her absence from work due to his/her responding to a subpoena.

Employees summonsed for jury duty are not required to report to work on the day(s) of such service.

Any payment received from the courts or pursuant to law by reason of jury

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service or attendance as a witness may be retained by the employee.

The compensation of employees required to appear in court during periods when they are not working a regular tour of duty shall be governed by the applicable provisions of the regulations for the administration of the compensation plan of the City.

### Voting:

Civil leave, not to exceed one hour, may be granted for the purpose of voting in any local, State, or Federal election, when it is established that normal working hours would otherwise prevent such activity.

### Polls:

For City of Norfolk Municipal Elections, any employee who volunteers to work the polls serving as an Officer of Election, on Election Day, will not be required to use sick or annual leave, as a result of his/her absence from employment due to such service, provided the employee gave reasonable notice of such service. No employee who serves for four (4) or more hours, including travel time, on the day of service will be required to start any work shift that begins on or after 5:00 p.m. on the day of service or begins before 3:00 a.m. on the day following the day of service.



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### F. Bereavement Leave

All members of the classified and unclassified service, special project employees granted leave benefits by ordinance, and periodic part-time will be excused from work upon the death of a member of their immediate family and shall be paid at their regular rate of pay.

Employee Category	Provided:
Eligible Employees	Three (3) working days of leave, based on the employee's standard workday, to be used at any time, at the employee's option, in whole or in part, within fourteen (14) calendar days after the death of the immediate member.
Sworn Fire-Rescue (24-hour shifts)	Forty-eight (48) hours of leave to be used at any time, at the employee's option, within fourteen (14) calendar days after the death of the immediate family member.

All such leave must be approved by the department director or the director's designee.

Immediate Family Member for the purposes of bereavement leave is defined as parents, grandparents, spouse, children, grandchildren, sisters and brothers, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any relative residing in the employee's home at the time of death. Relatives by adoption and step-relatives in the described relationships, for the purposes of bereavement leave, will be treated as immediate family members.

### G. Volunteer Leave

All City employees are eligible for volunteer leave. Employees are granted four (4) hours of paid leave per calendar year for community service within the Norfolk Public School Division. Unused leave will be forfeited at the end of the leave year.

### H. Military

Employees who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States,

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National Guard, or naval militia are eligible for military leave.

Eligible employees will be entitled to a maximum of fifteen (15) workdays of paid leave per federal fiscal year (October 1 —September 30) for the purpose of any type of military duty, to include training duty, which is funded by the Federal government. Weekend training (inactive duty for training), attendance at active-duty military schools maintained by the armed services of the United States, and additional training duty of various types, as well as annual training, all qualify for paid leaves of absence, up to a maximum of fifteen (15) workdays per person per fiscal year.

Employees are required to submit a copy of their orders to report and the dates during which service is required.

In addition, the City complies with Federal laws such as the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), (38 U.S.C. § 4301 et seq.), which requires that employees under certain circumstances are entitled to leave without loss of benefits and/or reinstatement after certain period of military service. Employee requests for leave in addition to that described in the preceding paragraph, or for reinstatement after a term of military service should be referred to the Department of Human Resources for review, along with relevant detailed documentation of the purpose and duration of the absence from the City's service.

## **I. Leave Without Pay**

Employee compensation will be reduced for periods of leave without pay. Leave without pay is used when:

1. Work absence is not authorized. (Absence without authorized leave or without notification for three (3) or more consecutive workdays shall be considered abandonment of an employee's position.)
2. Disciplinary action is imposed such as suspension or due to any unnecessary process delay caused by the employee or circumstances beyond the City's control.
3. Work absence is authorized, although the employee does not have sufficient available leave.

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## J. Transfer

Employees who transfer within the organization, from one department to another, maintain any accrued leave. Leave requests approved by the former department head or designee will be subject to re-approval by the department head or designee of the department to which the employee has transferred.

## K. Terminal Leave

Employees separating from City employment may utilize terminal leave. Terminal leave is a compensated leave of absence taken immediately prior to the date of separation. Employees may utilize earned annual leave, up to the limits specified in the Carryforward table noted in Section III (A) of this policy, or compensatory leave as terminal leave.

### Payment for Unused Leave

#### Separation from City Employment

Upon separation from City employment, regardless of reason or circumstance, employees will receive payment for all remaining annual (up to the Maximum Carryforward limit specified in Section **III** above), holiday (excluding birthday and diversity day) and compensatory leave balances after verification that all absences prior to separation have been processed. Hours will be paid based upon the employee's current equivalent hourly rate.

Any monies owed the City will be deducted from the leave payout.

#### Change in Leave Benefit

Changes in employment status may result in an employee no longer being eligible to accrue certain leave benefits. When this occurs, employees will receive payment for all remaining annual (up to the Maximum Carryforward limit specified in Section III above), holiday (excluding birthday and diversity day), and compensatory leave balances, after verification that all absences prior to the change in employment status have been processed. Hours will be paid based upon the employee's current equivalent hourly rate.

Employees on a leave of absence in accordance with the Corrective Action Guidelines and Procedures, Policy 83, for 30 or more consecutive days may request in writing, to the Director of Human Resources, a payment for all remaining annual leave (up to the Maximum Carryforward limit specified in Section III above). Hours will be paid based upon the employee's current

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equivalent hourly rate. Any monies owed the City will be deducted from the leave payout.

## **IV. RESPONSIBILITY**

### **A. Employees**

All employees are responsible for adhering to the guidelines established in this policy.

Additional responsibilities include:

- Managing and utilizing leave benefits to ensure absences do not negatively impact or disrupt the work unit or productivity.
- Requesting any leave of absence in a timely manner.
- Ensuring the appropriate leave type, e.g. annual, sick, compensatory, etc., is requested and leave is available at the time of request.

### **B. Department Heads/Managers/Supervisors**

Department heads, managers and supervisors are responsible for ensuring this policy is fully implemented and enforced. Additional responsibilities include:

- Ensuring maximum compliance with and employee awareness of this policy.
- Timely processing of all requests for leave; leave requests for leave utilization within the same pay period should be processed immediately, but no later than close of business on the Friday immediately preceding payday; future dated leave requests should be approved as soon as reasonably possible, but no later than thirty (30) calendar days from submission.
- Ensuring the requested leave will not negatively impact or disrupt the work unit or productivity.
- Monitoring employee leave accrual and utilization.
- Ensuring employees are provided opportunities to utilize accrued leave that may be forfeited within the defined utilization period.

### **C. Human Resources**

The Department of Human Resources is responsible for policy administration, guidance and compliance.

## **V. HISTORY**

This policy replaces Policy and Administrative Regulation 4.1 Leave Policy dated July 1, 2014.

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## VI. AUTHORITY

City of Norfolk Code:

- Section 2-48. — Holidays
- Section 2-49. — Annual/vacation leave
- Section 2-49.1. — Leave of absence generally—Firefighters
- Section 2-50. — Sick leave; absence because of sickness
- Section 2-51. — Administrative leave
- Section 2-52. — Civil leave
- Section 2-53.1. — Bereavement leave
- Section 2-54.1. — Norfolk Public Schools-Volunteer leave

Virginia State Code:

- Section 18.2-465.1
- Section 24.2-118.1.

City of Norfolk Compensation Plan

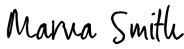
Fair Labor Standards Act

This policy has been established by the Department of Human Resources. In the event of any conflicts between this policy and federal, state, or local law or regulation, the latter takes precedence.

## VII. REGULATION UPDATE

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the City Manager.

### Approved as to Content:

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 Human Resources Director

Date: 1/22/2021

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 Catheryn Whitesell  
 Deputy City Manager

Date: 1/25/2021