

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 014-019

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE TOWN'S EMPLOYEE HANDBOOK BY AMENDING SECTIONS 6.01, 6.02, 6.04, AND 6.05 THEREOF RELATING TO DISPATCHER WORK HOURS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance No. 008-023, the City Council of the Town of Addison, Texas (the "City") adopted the Town of Addison Employee Handbook, and the same has been previously amended (the "Employee Handbook"); and

WHEREAS, by this Ordinance the City Council desires to amend the Employee Handbook by amending Sections 6.01, 6.02, 6.04, and 6.05 thereof relating to dispatcher work hours.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

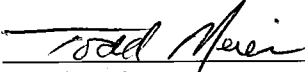
Section 2. Amendment. The Town of Addison Employee Handbook, adopted by Ordinance No. 008-023 of the Town and previously amended, is amended by amending Sections 6.01, 6.02, 6.04, and 6.05 thereof as set forth in Exhibit A which is attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, sentences, phrases and words of the Employee Handbook are not amended hereby (additions are underlined; deletions are struck-through).

Section 3. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the Town, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

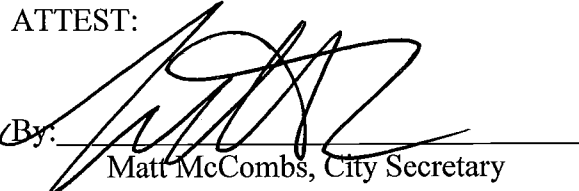
Section 5. Effective Date. This Ordinance shall take effect upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 13th day of May, 2014.



Todd Meier, Mayor

ATTEST:

By: 

Matt McCombs, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney

SECTION 6.01
ATTENDANCE AND WORK HOURS

A. Definitions

The Town of Addison has established the following definitions regarding time and attendance:

Work Time

Work time, also referred to as hours worked, is defined as all time the Town requires, suffers, or permits any employee to be on duty, whether on the work site, on other Town premises, or at any other prescribed place that work is performed.

Work Day

A work day is defined as a period of 24 hours, beginning at 12:00:01 a.m. and ending at 12:00 midnight.

For calculating the number of hours granted for leave that is usually defined in days, i.e., birthday, holidays or bereavement leave, a work day is defined as eight hours for all forty hour per week employees. A work day for police officers who work 80 hours in a two week period is also eight hours. A work day is twelve hours for shift employees of the Fire Department.

Work Week

A work week is the time span of seven consecutive 24 hour periods, beginning at 12:00:01 a.m. on Saturday and ending at 12:00 midnight on Friday.

Pay Period

Pay period is an internal accounting term which refers to a period of two work weeks for all employees. Each employee is issued an individual pay check, including any overtime earnings, if applicable, for each pay period. The pay check may be direct deposited to the employee's bank account or delivered to the employee.

B. Regular Work Hours

The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. In times of disaster or emergency, working hours shall be determined by the City Manager.

40 Hour Employees

Non-exempt employees of the Town normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks.

Police Officers

For a full-time, non-exempt police officer the work period consists of 80 hours, usually assigned in two consecutive weeks. Some officers work a flexible schedule consisting of six 12-hour work days and one 8-hour work day in a consecutive two week period. Special assignment officers will work 80 hours in a work period, as assigned by their supervisor.

Firefighter/Paramedics

For a full-time, non-exempt firefighter/paramedic, the work period consists of 168 hours, usually assigned over three consecutive work weeks. Fire personnel attending approved certification training which may result in fewer than 168 hours of regular shift work may be eligible for their regular 168 hours of pay, which includes nine hours of pay at their overtime rate if applicable. Approved classes include: basic structural firefighting certification, basic aircraft rescue certification and National Fire Academy classes.

Dispatchers

The work period for dispatchers consists of ~~38.75~~ 40 hours per week, or as may otherwise be established by the Department Director in consultation with the Human Resources Director and with approval from the City Manager.

C. Adjustment to Work Hours

In order to assure the continuity of Town services, it may be necessary for Department Directors to establish other operating hours for some personnel in their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the Town includes the employee's acknowledgement that changing shifts or work schedules may be required and includes that he will be available to do such work.

D. Meal Periods

Full-time employees, excluding most Police and Fire Department employees, are normally provided a one hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

E. Breaks

Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two fifteen minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day.

F. Attendance Records

Employees are expected to be at their workstations and ready to work at their scheduled start time. All employees, both exempt and non-exempt, are required to record the number of hours worked each day. Certain non-exempt employees are also required to record the time they arrived to work, the time they left at the end of their work day, plus the time they left for and returned from lunch and the time(s) they left for and returned from any unpaid break during the work day.

G. Attendance and Punctuality

As an essential function of each job, the Town requires employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and make for a greater burden on the Town and on co-workers to maintain a safe and productive work environment. Either absenteeism or tardiness may lead to disciplinary action, up to and including termination of employment.

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to his supervisor the reason for the absence or tardiness and the date and time of his/her anticipated arrival. For absences of a day or more the employee must personally notify his supervisor on each day of his absence unless the supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify his supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the Town of an absence of three days or more may be presumed to have voluntarily resigned his/her employment.

SECTION 6.02 **HOLIDAYS**

The Town provides paid holidays to probationary, regular full-time and regular part-time employees. The following official holidays will be observed. Holiday schedules are posted no later than the end of September for the following year.

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday After Thanksgiving
- Christmas Eve
- Christmas Day

A. Scheduling of Holiday

Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

B. Definition of Holiday Time

A holiday is a period of 8 hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is 12 hours and dispatchers who work a 38.75 hour week where the holiday is 7.75 hours.

C. Employees Scheduled to Work on a Holiday

Employees required to work on a holiday will be given an alternate day off with pay or will be paid for the holiday at their regular rate of pay, in addition to the hours worked.

D. Non-Exempt Employees Called in to Work on a Holiday

Non-exempt employees who are called in on an emergency basis to work a holiday for which they were not scheduled will be paid for the holiday at their regular rate of pay, plus payment for the number of hours worked. The holiday pay will be counted toward hours worked for the purpose of calculating overtime.

E. Employees Scheduled "Off Duty" on a Holiday

When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue one day of holiday leave to be taken at a later date or, at the employee's election, receive pay for the holiday at his regular rate of pay.

F. Regular Part-time Employees

Regular part-time employees are eligible for four hours holiday pay only if the holiday falls on one of the employee's regularly scheduled work days.

G. Temporary and Seasonal Employees

Temporary and seasonal employees are not eligible for holiday pay. Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on the holiday.

H. Ineligibility for Holiday Pay

Holiday pay will not be authorized in addition to any other paid leave an employee may receive for the same day. Employees on injury leave, military leave, or leave without pay are not eligible for holiday pay. Non-exempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday. An employee who is on sick leave both the day before and the day after a holiday will be considered on sick leave and will not be paid for the holiday.

I. Holiday Occurring During Vacation Leave

A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

J. Holiday Occurring During Workers' Compensation Leave

An employee on worker's compensation leave will not receive holiday pay.

K. Separating Employees

Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Separating employees who have successfully completed their probationary period will be paid for unused accrued holidays on the employee's final paycheck.

L. Other Religious Holidays

Employees may request an approved absence to celebrate a religious holiday that is not a scheduled Town holiday. If approved, the employee must charge the time to vacation, accrued holiday leave or time off without pay.

M. Fire Department Holiday and Birthday Accrual

At the beginning of each calendar year, each Fire Department shift employee will accrue 96 regular holiday hours and 12 birthday holiday hours, for a total of 108 accrued hours, which each employee may use at any time with supervisor approval. If an employee should leave the Town after using accrued holiday leave for holidays which have not yet occurred, the pay for such leave will be deducted from his final paycheck.

N. Fire Department Pay Out for Unused Annual Accrual

Any unused holiday/birthday accrual remaining at the end of the calendar year will be paid on the next payroll at the employee's regular hourly rate.

O. Maximum Holiday Accrual for Police Officers and Dispatchers

Maximum holiday accrual may not exceed eight (8) days for police officers or dispatchers. Any unused holiday accrual will be paid at the employee's regular rate of pay on the employee's final pay check.

SECTION 6.04
VACATION LEAVE

A. Scheduling Vacation

Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when accrued sick leave is exhausted, inability to travel to work because of inclement weather or for other purposes.

Employees are expected to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to avoid any scheduling problems that may develop. Whenever possible, vacation time will be granted at the convenience of the employee; however, Department Directors must be certain that vacations do not interfere with the normal functions and activities of departmental operations. The Police and Fire Departments may have departmental policies concerning the scheduling of vacation.

Vacation leave may be taken in full days or in one hour increments of time.

B. Vacation Accrual Rate

All full-time employees accrue vacation leave for each complete payroll period in which at least one hour was actual work time. Vacation hours will not accrue in any pay period during which an employee is absent on sick leave, injury leave or unpaid leave for the entire period.

Accrual rates are based on length of service with the Town and number of hours worked in a regular workweek. Please see the chart below for accrual rates by classification and months of service.

Length of Service	Days per Year	Hours per Month
<u>First 36 months of service</u>		
38.75 hour dispatchers	10 days	6.46 hours
40 hour employees	10 days	6.67 hours
24 hour Fire Department shift employees	5 shifts	10.00 hours
<u>37 through 60 months of service</u>		
38.75 hour dispatchers	12 days	7.75 hours
40 hour employees	12 days	8.00 hours
24 hour Fire Department shift employees	6 shifts	12.00 hours
<u>61 through 120 months of service</u>		
38.75 hour dispatchers	15 days	9.69 hours
40 hour employees	15 days	10.00 hours
24 hour Fire Department shift employees	7.5 shifts	15.00 hours

Over 120 months of service

38.75 hour dispatchers	20 days	12.92 hours
40 hour employees	20 days	13.34 hours
24 hour Fire Department shift employees	10 shifts	20.00 hours

C. Maximum Vacation Accrual

The maximum accrual of vacation leave is two years' accumulation. The actual number of accrued vacation hours permitted will depend on the number of vacation hours the employee earns per year. It is the employee's responsibility to monitor his vacation accrual to be aware of nearing maximum accrual.

The City Manager may waive the limitation on maximum accrual for a period of time if the needs of the Town preclude an employee's ability to take vacation.

D. Compensation for Vacation Leave

Vacation is paid at the employee's base rate at the time vacation leave is used and is paid only for hours the employee would ordinarily have worked.

Upon an employee's resignation, termination or retirement, an employee who has successfully completed his initial probationary period of employment shall be paid for accrued unused vacation leave at the rate of pay the employee was receiving at the time of separation. Upon the death of an employee who has successfully completed his probationary period of employment, payment for accrued unused vacation leave shall be made to the employee's beneficiary. Pay shall be at the employee's last regular rate of pay.

E. Regular Part-Time Employees Eligibility for Vacation Accrual

Regular part-time employees shall accrue vacation leave at a rate proportionate to the number of hours worked in a week as compared to a full-time 40 hour work week. For example, an employee who is regularly scheduled to work 20 hours per week will accrue vacation at one-half the rate of similarly employed full-time 40 hour per week employees with equal seniority.

F. Temporary/Seasonal Employees

Temporary and seasonal employees are not eligible to accrue vacation leave.

G. Vacation During Trial Period

Vacation leave will not be authorized during the initial six month probationary period for any employee, unless authorized by the City Manager. If the employee leaves employment with the Town for any reason during the probationary period, he will not be entitled to payment for vacation leave.

H. Holidays During Vacation

If a holiday falls during an employee's scheduled vacation, the time will be considered holiday leave and not vacation leave.

I. Required Vacation leave

When it appears that time away from work may be in the best interest of the employee or the Town, the employee's Department Director may, with the approval of the City Manager, require the employee to take at least one week of accrued vacation. Similarly, the City Manager may require a Department Director to take accrued vacation leave.

J. Vacation Buyback

Vacation buyback is a benefit offered to employees which allows exchanging accrued unused vacation leave for payment. The employee is eligible for vacation buyback after three years of service, at which time he is accruing over two weeks of vacation in a year. Participation in the vacation buyback program is the employee's option.

Provided the employee has taken at least one full week of vacation leave during the most recent fiscal year (October 1 – September 30), he may exchange up to one week of accrued unused vacation leave for pay at his effective hourly rate at the end of the fiscal year for which the buyback is offered. The vacation time sold back to the Town will be removed from the employee's accrual.

One week of vacation will be defined as ~~38.75 hours for dispatchers~~, 40 hours for all 40 hour per week employees, 56 hours for Fire Department 24 hour shift employees and 20 hours for 20 hour per week part-time employees.

SECTION 6.05
SICK LEAVE

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their department.

A. Accrual Rate and Eligibility

All regular full-time employees accrue 12 days of sick leave each year. The definition of a work day is determined by the number of hours worked: ~~for dispatchers working 38.75 hours per week, a day equals 7.75 hours;~~ for employees working 40 hours per week, a day equals 8 hours; and for fire personnel working 24 hour shifts, a day equals 12 hours.

Regular part-time employees accrue sick leave based on the number of hours in their normal work week. Non-benefited part-time, seasonal and temporary employees do not accrue sick leave.

The accrual increment for both full-time and part-time employees is distributed equally over the 26 bi-weekly pay periods in the year.

Sick leave shall begin accruing at the time of hire but may be used during the initial probationary period only if approved by the supervisor and Department Director. Sick leave shall not accrue for any bi-weekly pay period during which the employee is away from work for the entire pay period due to illness, injury or any approved leave without pay. An employee who is released for and offered light duty by the Town, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

B. Maximum Accrual

Maximum cumulative sick leave is 120 days for all employees. The hourly maximum allowed for each category of employees is: ~~930 hours for dispatchers;~~ 960 hours for all 40 hour per week employees; and 1440 hours for fire personnel working 24 hour shifts.

C. Authorized Use of Sick Leave

For the Employee

Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents him from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for the birth of a child falls under the section below.) Sick leave may also be used by an employee for his own scheduled doctor and dentist appointments.

For the Employee's Immediate Family

Sick leave may also be used for absences when the employee is needed to care for a member of his immediate family who is ill or injured and requires the employee's personal care or presence. For the purpose of authorizing sick leave, immediate family shall be defined as spouse, children/step-children residing in the employee's home, or other relatives who reside in the employee's home. An employee can use up to three days (see **Accrual Rate and Eligibility** above for definition of work day) for each such dependent illness or injury.

In the event of a life-threatening illness or injury of an employee's family member who does not meet the definition of "immediate family," the Department Director (or in the case of Department Directors, the City Manager) may allow the employee to use up to three days of accrued sick leave in a twelve month period.

The employee must note on his timesheet all hours of sick leave which were taken to care for a family member and include the relationship of the family member.

D. Minimum Increments

Sick leave must be taken in minimum increments of one hour.

E. Failure to Report Absence/Abuse of Sick Leave

Supervisors shall closely monitor use of sick leave. It is anticipated that employees using paid Town sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays which take the employee away from the home are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

F. Other Employment During Sick Leave

Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director that generally authorizes the employee to work a second job. Exceptions to this policy may be obtained in writing from the Department Director and the Director of Human Resources. See Outside and Self-Employment Policy.

G. Use of Other Leave

If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial probationary period and who have no accrued sick leave time, may use accrued unused vacation leave,

accrued unused holiday leave, other accrued paid leave, or leave of absence without pay. Official holidays observed by the Town while an employee is on approved paid sick leave will be treated as a paid holiday rather than a day of sick leave, if the employee is eligible for the paid holiday.

Under certain circumstances and with the approval of the Department Director, the employee may flex his work schedule, within the pay period, to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the pay period in which this provision was approved.

H. Documentation

Employees requesting paid sick leave must request approval from their supervisor. An employee must present satisfactory proof of illness/injury that prevents him from working whenever the employee uses sick leave of three or more consecutive work days, or at any other time if requested by the Town.

An employee may also be required to present satisfactory proof of a family relationship and/or satisfactory proof of a family member's illness or injury if the employee wishes to use accrued sick leave to care for the family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline, up to and including termination of employment.

I. Family and Medical Leave Act

Any absence that qualifies for both sick leave and leave under the Family and Medical Leave Act will follow the guidelines set out in this policy and will typically run concurrently, as both FMLA leave and sick leave.

J. Sick Leave Buyback

Regular full-time and part-time employees have an annual option to sell back to the Town 25% of the unused sick leave accrued during the fiscal year (October 1 – September 30). To be eligible, employees must be actively employed at the beginning of the fiscal year and remain actively employed through the time payment for the benefit is authorized in November. Sick leave hours sold back to the Town are removed from the employee's accrued sick leave account and paid at the employee's hourly rate as of September 30.

It is recommended that employees maintain at least thirty days' sick leave for unforeseeable emergencies. The Town's short-term disability indemnity plan does not cover loss of work time for the first 30 days of illness.