



**Personnel Policies and Procedures**

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**LEAVE**  
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**Personnel Policies and Procedures**

## SECTION 300. LEAVE

## 301. Leave Policy

- .1 By definition, leave is absence during regularly scheduled work hours that has been authorized by proper authority. Leave may be authorized with or without pay. Absence without permission is considered unauthorized absence (see Section 200 regarding pay for leave).
- .2 Expenditures and accruals of leave for each employee must be reported as prescribed by the Personnel Director and the Payroll Division on Time Sheets and Leave Sheets.
- .3 During any leave, with exception of vacation leave, which is in excess of twenty (20) consecutive working days, whether it is paid or unpaid, no vacation or sick leave will be accrued during the entire period of the leave. The employee's department must initiate appropriate leave correction sheets when necessary to adjust the leave accrual. The adjustment shall be prorated to the nearest week. Further, such absence shall not be used in computing time in grade for Satisfactory Performance Increases or for completion of probationary period (Rev.: 06-12-90).

## 302. Types of Leave

The following types of leave have been established for City employees:

- Vacation
- Voting Leave
- Holiday
- Sick
- Compensatory
- Official Representation
- Educational
- Leave Without Pay
- Military
- Court
- Injury
- Funeral
- Family and Medical Leave

## 303. Vacation Leave

- .1 All regular and part-time employees are encouraged to take a leave for vacation purposes of two (2) consecutive weeks each year. During the year careful consideration shall be given to the desires and needs of employees in the

granting of shorter periods of vacation leave. Department heads shall grant leave in accordance with this Section on the basis of the work requirements of the department and, whenever possible, considering the personal wishes of the employees.

- .2 Expenditure of vacation leave shall be granted to regular and part-time employees in accordance with the following provisions (employees covered under the terms of a collective bargaining agreement shall be governed by the vacation provision of the agreement):
  - .21 An employee must have regular or part-time status and have completed six (6) months of employment before being eligible to expend vacation leave; except, under provisions of the sick leave policy. When all sick leave has been expended and the employee has served six (6) months, vacation may be used for extended illness (**see also sick leave provisions of this section**).
  - .211 If an employee becomes ill while on vacation, sick leave can be used if verified by doctor's statement. The doctor's statement must include length of the illness (Rev.: 06-12-90).
  - .22 Vacation leave normally shall be expended during the calendar year following its accrual. It shall be the department head's responsibility to schedule vacations so as to ensure the efficient operation of the department and to provide annual vacation leave for employees.
  - .23 Vacation leave shall not be used during a period of suspension.
  - .24 The amount of vacation expended shall be the exact number of days (or hours) an employee is scheduled to work during the period in which leave is to be taken. Vacation leave shall not exceed the amount accrued at the time of departure.
    - .241 Minimum vacation leave expended shall be one (1) hour. It is not the intention of this policy for employees to routinely use vacation in one (1) hour increments (Rev.: 06-12-90).
  - .25 Holidays or other days not scheduled for work shall be excluded in computing vacation leave expenditure.
  - .26 Service as a temporary employee shall not be used to determine vacation leave accrual.
  - .27 Any vacation leave accrued to a regular or part-time employee at the time of transfer from one department to another shall be recorded on the personnel action form and shall be transferred to the new department.
  - .28 Upon separation, an employee shall be paid for the unused portion of their vacation leave provided the employee has completed six (6) months

of employment; however, an employee dismissed for embezzlement of City funds, theft or deliberate destruction of City property shall be ineligible for payment of accrued vacation leave.

.29 Vacation shall be scheduled in advance, based upon departmental procedures (Rev.: 06-12-90).

.3 Accrual of Vacation Leave

.31 Vacation leave shall be accrued to each regular and part-time employee beginning on the first day of the month which coincides with or next follows the date of appointment.

.32 The following guidelines for leave accrual shall be used for all part-time employees.

.321 Employees working 1-19 hours per week will accrue leave at a rate of .25% of the normal accrual rate for monthly leave accrual and maximum leave accrual (Rev: 06-12-90).

.322 Employees working 20-29 hours per week will accrue leave at a rate of .50% of the normal accrual rate for monthly leave accrual and maximum leave accrual (Rev: 06-12-90).

.323 Employees working 30-39 hours per week will accrue leave at a rate of .75% of the normal accrual rate for monthly leave accrual and maximum leave accrual (Rev: 06-12-90).

.324 Leave use will be deducted according to the employee's hourly work schedule (If the employee normally works 6 hours per day, deduct 6 hours to reflect a whole day off work, etc.) (Rev: 06-12-90) .

.33 The amount of vacation time to be accrued upon completion of each calendar month of service by regular employees is as follows: **(Effective July 1, 2003)**

<u>Years of Completed Service</u>	<u>Vacation Leave Accrued</u>	
Date of employment to completion of fifth year	9.333 hours/month	112 hours
5 years but less than 10 years	10.667 hours/month	128 hours
10 years but less than 15 years	14.00 hours/month	168 hours
15 years but less than 20 years	15.333 hours/month	184 hours
20 years but less than 25 years	16.667 hours/month	200 hours
25 years or more	17.333 hours/month	208 hours

For FY03-04 only, those employees who are in the affected eighteen (18) and nineteen (19) years of service status on this chart as of July 1, 2003, and who

would not receive at least one additional (8 hour) day of vacation accrual during FY 03-04 based on the new vacation chart, will have some varying amount of additional hours added to their vacation bank. This will be accomplished through a manual leave correction conversion form submitted to their departmental payroll area by September 1, 2003. The effect of this additional manual process will be to ensure that the net outcome of the chart change is the receipt of at least eight hours vacation above and beyond those employees' expected accrual under the previous (FY 02-03) vacation chart. **(Revised 06/30/03)**

- .34 The maximum amount of vacation leave that may be accrued by an employee is twice the amount which the employee may accrue in one calendar year. No additional vacation leave shall be credited to an employee who has reached the maximum amount.

### 304. Voting Leave

It is the policy of the City of Tulsa to encourage all eligible employees, regardless of their employment status, to vote in all city, county, state or federal elections. Should employees need time off during working hours to vote, leave shall be granted in accordance with the provisions of this section as governed by state law. Voting leave shall not be granted for school board or bond elections.

- .1 Any employee eligible to vote in an election may be granted up to two (2) hours leave from work with pay between the hours of 7:00 a.m. and 7:00 p.m. on an election day, provided the employee cannot utilize other than working hours for this purpose.
- .2 If it is necessary for an employee to vote during working hours, he shall inform his supervisor of his intentions prior to the day of the election. The supervisor shall then select the time that the employee may vote. The supervisor may also seek proof that the employee voted during the designated absence before authorizing payment for voting leave.
- .3 Voting leave shall not be granted to an employee whose work day begins three (3) hours or more after the opening of the polls or which ends three (3) hours or more prior to the closing of the polls (All polls are open from 7:00 a.m. to 7:00 p.m.).
- .4 A Department Head may alter the working hours of an employee requesting voting leave on election day to allow the three (3) hours subsequent to the opening of the polls or three (3) hours prior to the closing of the polls.
- .5 The Department Head may extend voting leave if two (2) hours of leave is not sufficient for an employee to vote in his precinct and return to work.
- .6 As examples, an employee working from 8:00 a.m. to 5:00 p.m. could be allowed to leave at 4:00 p.m. to vote, which would provide three (3) hours prior to the close of the polls even though this would be only one (1) hour voting leave. An employee working from 9:00 a.m. to 6:00 p.m. could be granted voting leave from

7:00 a.m. to 10:00 a.m. (one work hour), or be allowed to leave work at 4:00 p.m. (two work hours), or be granted two (2) work hours at any time during the work day.

305. Holiday Leave

- .1 The following holidays are observed by the City and shall be granted to employees with pay and to temporary employees without pay unless such temporary employees are required to be on duty:

New Year's Day (January 1<sup>st</sup>)  
Martin Luther King Day (third Monday in January)  
Good Friday (Friday before Easter)  
Memorial Day (last Monday in May)  
Independence Day (July 4<sup>th</sup>)  
Labor Day (first Monday in September)  
Veteran's Day (November 11<sup>th</sup>)  
Thanksgiving Day (fourth Thursday in November)  
Friday after Thanksgiving  
Christmas Eve (December 24<sup>th</sup>)  
Christmas Day (December 25<sup>th</sup>)  
Two (2) Floating Holidays\*(**See Section .392 for restrictions**)

- .2 Employees covered under the terms of a collective bargaining agreement should refer to the agreement for controlling language if the agreement is at variance with this section.

- .3 The granting of holidays observed by the City shall be subject to the following provisions:

- .31 Employees who are regularly assigned to work Monday through Friday with Saturday and Sunday as normal days off shall observe a holiday falling on Saturday on the preceding Friday and a holiday falling on Sunday on the following Monday. Employees whose regular shift is other than Monday through Friday shall observe holidays that occur on the employee's normal day off on the next scheduled workday.

- .32 Employees who are required to work on a holiday shall be compensated in accordance with provisions of "Overtime Hours and Compensation", Section 222.

- .33 Holidays or other non-scheduled workdays shall not be included in computing Vacation Leave. However, when an employee is absent on a holiday for which he or she is scheduled to work, the holiday is forfeited and time shall be deducted from his or her Sick Leave or charged to Leave without Pay whichever is applicable. Vacation Leave shall only be allowed based on a verified emergency.

- .34 When a holiday falls within a period of Leave Without Pay or sick leave not verified by a Dr.'s slip immediately preceding or immediately after holiday leave, the employee shall receive no pay for the holiday.
- .35 The appointment of an employee shall not be effective on a holiday, except when the employee works that holiday.
- .36 The separation of an employee shall not be effective on a holiday except when the employee works on the specified holiday.
- .37 Vacation Leave, Compensatory Leave, or Leave Without Pay may be granted to an employee for observance of religious holidays or holidays other than those listed.
- .38 Employees working an alternate work schedule must submit appropriate Holiday Leave requests in accordance with Section 223.
- .39 Floating Holiday
  - .391 Non-probationary employees may take two (2) floating holidays during the calendar year.
  - .392 Initial hire, probationary employees shall receive a prorated number of floating holidays during their first year of employment as follows:
    - If hired January 1 through April 30 = 2 days (16 hrs.)
    - If hired May 1 through August 31 = 1 day (8 hrs.)
    - If hired September 1 through December 31 = 0 daysAdditionally, probationary employees shall not be eligible to use a floating holiday until the first working day following sixty (60) calendar days of service.
  - .393 Employees must schedule a floating holiday at least twenty-four (24) hours in advance. The Department Head or designee must approve the holiday. The department will make a conscientious effort to accommodate the employee's request.
  - .394 An employee shall not be compensated for the Floating Holiday if it is not used during the calendar year.
  - .395 Employees who terminate from the City and have not used a Floating Holiday shall not receive compensation for the holiday.
  - .396 If an employee is required to work due to an emergency or unforeseen circumstance on a scheduled Floating Holiday, the

employee shall receive an alternate day off during the same calendar year and will not be eligible for holiday overtime pay on the originally scheduled floating holiday.

.397 Floating Holidays shall be recorded on a Leave Report.

### 306. Sick Leave

- .1 Sick leave shall be granted to regular and part-time employees in accordance with the provisions set forth in this Section (Employees covered under the terms of a collective bargaining agreement shall be governed by the sick leave provisions of the agreement).
- .2 Sick leave for City employees may be used in the following situations:
  - .21 When employees are incapacitated by sickness or non-job-related injury; for medical, dental or optical diagnosis or treatment; or for pregnancy related reasons.
  - .22 For necessary care and attendance of a member of the employee's immediate family or household who is incapacitated by illness or injury.
    - .221 For the purpose of this section, "Immediate Family" shall be defined as a parent of the employee, spouse, child, or "step" situation, or has legal responsibility within these relationships (Rev.: 06-12-90).
  - .23 After exposure to a contagious disease when attendance on the job, in the opinion of the City Physician, jeopardizes the health of others.
- .3 Sick leave with pay shall be granted to regular and part-time employees in accordance with the following provisions:
  - .31 Sick leave used shall not exceed the total amount accrued to the employee at the time of his absence.
  - .32 Leave without pay may be granted for sickness extending beyond the amount of accrued sick leave. After each thirty (30) days during such leave without pay, the employee shall present to his department head a doctor's statement of his continued inability to perform his normal duties (see "Leave Without Pay").
  - .33 After six (6) months' service, accrued vacation leave may be used for sick leave when accrued sick leave has been expended.
- .4 Sick leave shall be accrued for regular and part-time employees as follows:
  - .41 Sick leave shall start to accrue on the first day of the month which coincides with or next follows the date of employment, and shall be

credited on the first day of the month following the month of commencement. Sick leave may not be expended until after completion of one full calendar month.

- .42 For Professional/Managerial, Exempt Supervisory and Exempt Administrative and Office/Technical employees, one (1) full day shall be accrued for each full calendar month of service.
  - .43 An employee may accrue a maximum of one hundred fifty (150) working days of sick leave.
  - .44 See Section 303.32 regarding guidelines for leave accrual for part-time employees (Rev.: 06-12-90).
- .5 Sick leave shall be computed as follows:
- .51 The amount of sick leave expended shall be computed as the exact number of days (or hours) an employee is scheduled to work during the period leave is taken. Minimum sick leave expended shall be one (1) hour. It is not the intention of this policy for employees to routinely use sick leave in one (1) hour increments (Rev.: 06-12-90).
  - .52 Holidays and other days not scheduled for work shall be excluded in computing sick leave expenditures.
  - .53 Employees in classifications designated as Professional/Managerial (PM), Exempt Supervisory (ES), Exempt Administrative (EA) and Office/Technical (OT) may convert accrued sick leave in excess of one hundred twenty (120) days to vacation leave, provided the total accrued vacation leave may not exceed the maximum allowed under "Vacation Leave" provisions. Conversion shall be at a ratio of one (1) vacation day for one (1) day of sick leave.
- .6 Change of appointment, transfer or separation shall affect accrued sick leave as follows:
- .61 Service as a temporary employee shall not be used to determine sick leave accrual.
  - .62 A regular or part-time employee transferring from one department to another shall have his total accrued sick leave transferred to the new department. The accrued sick leave shall be recorded on the Personnel Action form.

**Effective 07/01/91**

- .63 Upon retirement (age 55 or older) or death, employees with at least one hundred and twenty (120) days of accrued sick leave shall receive

payment for accrued sick leave at a rate of one (1) day of pay for every three (3) days of sick leave up to a maximum of forty (40) days of pay.

.64 A regular or part-time employee who leaves the classified service to enlist in active military service other than a reserve unit and who applies for re-employment within fifteen (15) days after having been rejected or ninety (90) days after an honorable discharge shall have the former unused sick leave credits reinstated (see provisions for military leave).

.65 A regular or part-time employee who is laid off and returns to City employment within one (1) year from the date of layoff shall have the former unused accrued sick leave reinstated.

.7 Other factors relative to sick leave include:

.71 Sick leave shall not be used during periods of suspension.

.72 An employee who is absent from duty for reasons which entitle him to sick leave shall notify his supervisor within a reasonable time prior to the beginning of the work shift if physically able to do so.

.73 When an absence due to illness exceeds five (5) days, the employee shall present a medical statement from a doctor describing the illness, and a medical release from the City Physician, upon returning to work (Rev.: 06-12-90).

.74 When an absence exceeds thirty (30) calendar days, the employee shall present to his department head, each thirty (30) calendar days, a doctor's statement of continued inability to perform normal duties.

.75 A department head may, when the absence is five (5) days or less, require an employee to present a doctor's statement before authorizing sick leave expenditure.

.76 An appointing authority may investigate the alleged illness of an employee absent on sick leave.

.77 False or fraudulent use of sick leave by an employee shall be cause for disciplinary action which may include dismissal.

.78 The department head may request at any time a doctor's statement or medical opinion from the City Physician regarding the employee's physical ability to perform the duties of the job.

.79 Employees who apply for promotional opportunity must meet the established guidelines on absenteeism as a factor in determining promotional qualifications prior to being certified.

307. Compensatory Leave

Compensatory leave shall be used to compensate employees for overtime worked in accordance with the provisions of "Hours of Work and Overtime" in Section 200.

- .1 Compensatory leave shall be granted at the discretion of the appointing authority and used as soon as possible after the leave has been earned.
- .2 Compensatory leave shall not be used during a period of suspension.

308. Leave for Official Representation

Leave with pay may be granted by the appointing authority for participation in official meetings, activities, examinations, and institutes directly related to the employee's work assignment.

309. Leave for Educational Purposes

- .1 A regular or part-time employee may be granted leave with full, partial, or no pay for enrollment in a special institute or course of study which is of direct benefit to the City at the discretion of the Department Head and with approval of the Mayor.
- .2 Educational Leave with Pay

Employees may be granted semester length educational leave with pay to attend courses at local accredited institutions provided the following conditions are met:

- .21 Such leave shall not require more than two (2) hours away from the job in any one day, nor more than six (6) hours in any one week.
- .22 The specific course work is not available at any other time or institution which would allow the employee to participate outside normal working hours.
- .23 Such leave shall be subject to approval by the Department Head, who may, at their discretion, require full or partial makeup of time spent away from the job.

310 .1 Leave of Absence Without Pay

- .11 An appointing authority may grant a leave of absence without pay for a specified period of time. If such leave is for more than thirty (30) calendar days, it shall be recorded on a Personnel Action form (Rev.: 06-12-90).
- .12 Unauthorized absence from duty shall be without pay. Further, upon returning, the employee shall be subject to disciplinary action which may include dismissal.
- .13 Leave of absence without pay shall be granted only when it is in the best interest of the City to do so. Any leave of absence without pay over six (6) months must be approved by the Mayor or designee.

- .14 Failure of an employee to report promptly at the expiration of a leave of absence may be cause for dismissal.
- .15 Before leave without pay may be granted to extend a period of leave beyond the amount of accrued sick leave, the employee shall present to their department head a doctor's statement of their continued inability to perform their normal duties and an estimation of the number of days the employee expects to be absent from work (see "Sick Leave").
- .16 Non-illness related absences which are prescheduled at least twenty-four (24) hours in advance and approved by the employee's department head or supervisor shall not be considered negatively or held against the employee as concerns evaluations, promotional consideration, or any other employment factors (Rev.: 06-12-90).

.2 **Holiday Personal Leave**                      **Revised October 21, 2002**

- .21 A department head or designee may grant a total of five (5) days of Holiday Personal Leave that may be expended by the employee between the ten (10) workdays before Thanksgiving to ten (10) workdays after Christmas. Such leave shall only be approved when the absence causes no negative service impact or cost to the City due to staffing requirements.
- .22 Holiday Personal Leave shall be recorded as HPL on leave reports, and shall not cause adverse performance/promotional implications against the employee.
- .23 Non-exempt employees electing to utilize HPL will have all hours used deducted from the paycheck for the pay period in which the HPL was taken. Non-exempt employees may choose to utilize HPL in one-half (1/2) or full day increments.
- .24 Exempt employees electing to utilize HPL will have all hours used deducted from the paycheck for the pay period in which the HPL was taken. Exempt employees may utilize HPL only in full day increments.

311. Military Leave                      **Revised: January 19, 2006-Effective October 1, 2005**

An employee who temporarily leaves his or her job as a result of voluntary or involuntary service in the United States uniformed services is guaranteed certain reemployment rights and other job protections under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law. Notice of any such absence (oral or written) is required unless the employee is unable to provide such notice because of "military necessity".

.1 Leave with Pay for Military Physical Examination

- .11 Classified employees shall be granted time off with pay, not to normally exceed one (1) day inclusive of travel, for the physical examination prior to induction or entry into active military service or for veterans' re-evaluation physical examinations.
- .12 In order to be granted such leave with pay, the employee shall provide to his or her department head or designee an official notice to report for physical examination. Leave for this purpose shall be classified as military leave.

.2 Military Leave for Training in a Reserve Unit or National Guard

- .21 Classified employees shall be granted no more than three hundred (300) hours of paid leave per federal fiscal year (October 1 through September 30), travel time inclusive, when ordered for training as part of a reserve unit or any component of the Armed Forces or National Guard.
- .22 Whenever possible, the employee shall present to the department head or designee a copy of the orders to report for Reserve or National Guard training prior to departure on leave. A copy of the orders shall be forwarded to the Human Resources Department. A Personnel Action shall be completed when military leave extends beyond four (4) consecutive workweeks to take the employee out of active status and stop leave accruals.

.3 Military Leave for Active Duty

- .31 Classified employees shall be granted no more than three hundred (300) hours of paid leave per federal fiscal year travel time inclusive, when initially ordered to active duty other than training as part of a reserve unit or any component of the Armed Forces or National Guard. If an employee's active duty call up date is late in the federal fiscal year and therefore does not allow the employee to receive the full 300 hours within the initial federal fiscal year, it is understood the 300 hours of paid leave may extend into the next federal fiscal year. Paid military leave for active duty shall be in addition to any military leave for training provided in 311.21. Military leave shall not be considered initiated until any expenditure of vacation leave and/or compensatory leave has been completed. The use of vacation or compensatory leave in this manner is voluntary and shall extend the employee's normal employment status and benefits except as provided in 311.42.
- .32 Any classified employee who enters the U.S. Armed Services (other than the National Guard or a reserve unit) directly from City employment shall be placed on military leave. Whenever possible, the employee shall present a copy of his or her orders to report for duty to his/her department head or designee, and these orders shall be forwarded to the Human Resources Department. The Personnel Action shall indicate "other leave" and under "remarks" shall state "Military Leave of Absence."

.33 Based on this policy, departments shall discuss with Human Resources the appropriateness of filling vacancies caused by military duty.

.4 Benefits and Pension Provisions Regarding Military Leave in Excess of Thirty (30) Days

.41 Health and Dental Insurance – An employee may elect to continue his/her own health and dental insurance coverages for up to twenty-four (24) months after such absence begins, or the period of service, whichever is shorter at 102% of the full premium rate (employee plus City contributions) for employee coverage. An employee may elect to continue dependent coverage at the current dependent premium rate (employee contribution) for twelve (12) months after such absence begins. After the twelve (12) month period, dependent coverage will continue at 102% of the full premium (employee plus City contributions) rate for up to twelve (12) additional months.

.42 Basic Life, Accidental Death and Dismemberment, and Long Term Disability - Coverages cease on the last day of the month in which such active duty begins.

.43 Dependent and Dependent Supplemental Life – An employee may elect to continue such coverage for twelve (12) months after such absence begins at full premium rate (employee plus City contributions).

.44 Deferred Compensation – An employee may elect to continue contributions into his/her account and the City's contributions will also continue during such absences. The employee may not, however, withdraw the account balance.

.45 Municipal Employees Retirement Plan (MERP) – Upon return to work, an employee shall receive full credited service for periods of military leave absence subject to prescribed USERRA return to work timeframe limitations.

.46 Vacation and Compensatory Leave – In lieu of the expenditure option provided in .31 above, an employee may elect to be paid in lump sum for any accrued vacation and/or compensatory leave or maintain his or her current accrual balance(s). However accruals cease during the period of military leave absence.

.47 Sick Leave – Accruals cease and an employee may not use any accrued sick leave during the period of military leave absence. No sick leave (retiree) conversion pay shall be available due to military leave.

.48 Flex Plan – An employee on military leave may continue participation in the flex plan up to the amount of income he or she has deferred during the City's current fiscal year (and no later than September 30<sup>th</sup> of the

preceding year). Additionally, an employee can elect to continue flex plan participation including contribution and expenditure subject to the limitation of expenditure of fund balance only.

.5 Return from Military Leave for Active Duty

- .51 An employee returning from military leave shall request reemployment and report for duty per the following guidelines:

Service less than 31 days – Employees must report at the beginning of the first regularly scheduled workday after release from service, allowing eight (8) hours for travel or rest.

Service from 31-180 days – Employees must report no later than fourteen (14) days following completion of service.

Service over 180 days – Employees must report no later than ninety (90) days after completion of military service.

An employee is generally allowed up to five (5) years total (cumulative) of military leave and may not be eligible for reemployment thereafter.

- .52 An employee returning from military leave from the uniformed services with a dishonorable or bad conduct discharge shall not be eligible for reemployment.

- .53 An employee returning from military leave shall be reemployed in his/her former position or classification, if still qualified to perform the duties of the position or classification, at the step or the rate in the pay range the employee would have occupied without the military leave, and with full seniority. If the employee is not qualified to perform the duties of the former position or classification by reason of disability, the employee shall be restored to a position of like seniority, status and pay or to its nearest approximation for which the employee is qualified.

- .54 Vacation leave and sick leave do not accrue while an employee is on military leave four (4) consecutive workweeks (section 301). However, time spent on military leave shall be used in determining accrual rates for leave benefit purposes as well the employee's eligibility as concerns seniority standing and longevity pay rate (as applicable).

312. Court and Jury Leave

- .1 Court and Jury Leave with pay will be granted for the following purposes:

.11 To serve as a juror,

.12 To testify in court on City-related matters.

- .2 Leave without pay will be granted to employees for Court appearances which do not meet the above criteria for leave with pay or, at the employee's option, accrued vacation time or compensatory time may be used.

- .3 The employee must present to their supervisor the original summons or subpoena from the court and, at the conclusion of the duty, a signed statement from the clerk of the court showing the actual dates of attendance at court.

313. Leave for Injury in the Line of Duty **Effective: 12/01/2008**

- .1 General Policy

It is the policy of the City of Tulsa to pay benefits to qualified employees who incur temporary disabilities resulting from accidental injuries arising out of and in the course of their employment pursuant to the Workers' Compensation Act (The Act). 85 O.S. §1-et seq.

However, employees in pay designators EC, LT, & AO, will continue to be paid injury leave at their regular base salary (plus service pay, if applicable, but excluding shift differential, overtime compensation, gasoline allowance, out-of-classification pay and other such allowances) until the expiration of their current collective bargaining agreements, respectively.

- .2 Eligibility

- .21 All non-sworn regular and part-time employees are eligible for Injury Leave benefits described in this section.

- .22 Sworn Fire and Police employees who incur an injury or occupational illness that arises out of and in the course of City employment if such employment was the major cause of the specific injury or illness shall be paid injury leave as required by the Oklahoma Firefighters Pension and Retirement System (11 O.S. §100.1-et seq.), and the Oklahoma Police Pension and Retirement System (11 O.S. §101-et seq.), as those laws may be amended from time to time.

- .3 Compensation for Injury Leave

- .31 No compensation shall be allowed for Injury Leave for the first three (3) calendar days of lost time after an injury is sustained. The employee shall receive their regular pay for the day of the injury.

- .32 While on Injury Leave, the employee shall be paid 70% of their average weekly wage, not to exceed the applicable maximum according to the schedule established in the Act, as may be amended. An employee has the option of supplementing Injury Leave compensation with accrued vacation or compensatory leave up to the employee's full regular during the temporary absence from work. In no event shall an employee receive more than full regular wages.

- .33 Employees on Injury Leave for more than thirty (30) continuous days shall cease accruing other leave benefits and/or credit for computing time in grade (see also "Leave Policy" in this Section).

.4 Employee's Responsibilities Upon Occurrence of Injury

- .41 An employee who sustains a job-related injury, regardless of the extent, must immediately report the injury to his/her exempt supervisor.
- .42 An employee who sustains lost work time as a result of a job-related injury must submit a completed Injury Leave form (form TUL-4195) to the department head or designee within three (3) calendar days after first losing work time as a result of the injury for which leave is requested.
- .43 An employee returning to work after incurring a job-related injury must first obtain a release to return to work from the City Physician.
- .44 An employee obtaining emergency medical treatment which does not result in hospitalization as authorized by paragraph .51 below must report to the City Physician for examination on the first working day after the injury is sustained. In the event the employee is physically unable to appear in the City Physician's Office, a report of the employee's medical condition must be given to the City Physician by the employee or his representative.
- .45 While on Injury Leave an employee must report in person to the City Physician every thirty (30) calendar days and/or as directed by the City Physician.
- .46 While on Injury Leave, employees will be responsible for maintaining their employee insurance contributions and other routine payroll deductions.

.5 Departmental/Supervisory Responsibilities Upon Occurrence of Injury

- .51 The supervisor of an injured employee should ensure that the employee receives prompt medical attention from the City Physician. In instances where the City Physician is not available or the injuries are potentially life-threatening, the supervisor should direct that the injured employee be taken to Hillcrest Hospital Emergency. If an employee is hospitalized at the time emergency treatment is rendered, the supervisor will notify the City Physician immediately. Supervisors should ensure the injured employee has called the Injury Hotline. The supervisor should report the injury to the Injury Hotline on behalf of the employee, should the employee be unable to call the Injury Hotline within 24 hours of the time of injury. The Injury Hotline number is 1-877-461-7671 or 918-596-9622.
- .52 It is the responsibility of the employee's department head or designee to fully investigate every employee accident, to submit all required injury reports to the Human Resources Director or designee, and to promptly forward to the Manager of Development Programs Administration all applications for Injury Leave.

- .53 The department head will, when possible, offer light duty to employees incurring a job related injury consistent with instructions or restrictions which are compatible with the employee's physical condition as determined by the City Physician. Such assignments will be made without regard to the employee's job classification or normal work assignment.
- .54 If an employee's Injury Leave extends beyond thirty (30) continuous calendar days and is expected to continue for forty-five (45) calendar days or more, the department head shall complete and forward to the Human Resources Department a Personnel Action form (form TUL-4181) to place the employee in the proper payroll status.

.6 Limitations Upon Employee Eligibility for Injury Leave Benefits

- .61 An employee on Injury Leave shall return to duty at the earliest practical date. If the department offers the employee light duty that the employee has the skills to perform, and is physically able to perform as determined by the City Physician, the employee is not eligible for Injury Leave.
- .62 If an employee seeks medical consultation and/or treatment which is not approved or prescribed by the City Physician, the employee may be subject to disciplinary action up to and including dismissal. The cost for unauthorized medical treatment may fall upon the responsibility of the employee.
- .63 An employee who performs work for any entity other than the City, either for compensation or otherwise, while on Injury Leave shall be disqualified from receiving further Injury Leave compensation and shall be subject to disciplinary action, up to and including dismissal, as well as possible civil or criminal penalties. This provision shall also apply to employees who are self-employed or perform work in their private occupations.
- .64 An employee desiring to travel while on Injury Leave must have approval of the City Physician. Failure to gain approval for travel may result in disciplinary action up to and including dismissal.

314. Funeral Leave

- .1 In the event of death of a member of a regular or part-time employee's immediate family, the employee may be granted a leave of absence with pay up to a maximum of three (3) consecutive working days, one of which shall be utilized to attend the funeral of the deceased. The department head shall determine the amount of leave to be granted as the circumstances warrant.
- .2 Such leave shall be in addition to other types of leave.
- .3 For the purposes of this Section, an employee's immediate family shall be defined as a parent, spouse, child, sister, brother, mother-in-law, father-in-law,

son-in-law, daughter-in-law, grandparent of the employee or spouse, grandchild of the employee, or “foster” or “step” situations within these relationships.

- .4 In the event of death of a brother-in-law, sister-in-law, or the employee shall be granted one (1) workday for the purpose of attending the funeral of the deceased and may be granted up to two (2) additional consecutive workdays if necessary due to special circumstances in connection with the deaths.
- .5 The department head may require verification of death and relationship to the employee.

### 315. Keeping of Leave Records

It is the responsibility of department heads or designees to keep full and accurate leave records consistent with the rules on leave and to report leave to the Finance Department. The department leave records shall be the official records of the City. The Finance Department will provide a Leave Report to departments monthly and each department shall reconcile the reports to departmental records at least quarterly.

### 316. Family and Medical Leave

- .1 Family and Medical Leave and all other rights provided under the Family and Medical Leave Act of 1993 shall be granted to regular and part-time employees in accordance with the provisions set forth in this policy.
- .2 Employees must meet the following criteria in order to be considered eligible for Family and Medical Leave:
  - .21 A regularly or part-time employee must have worked for the City for at least twelve (12) months, and have provided at least 1250 hours of service during the previous twelve (12) months at the time the leave is requested.
- .3 Definitions: The following words and phrases, as used in the application and interpretation of the Family and Medical Leave policy shall have the meanings ascribed below:
  - .31 “*Child,*” “*Son,*” of “*Daughter*” means a biological, adopted, or foster child, a step child, a legal ward, of a child of a person standing in loco parentis (i.e. in the place of a parent) who is under eighteen (18) years of age, or eighteen (18) years or older if the child is incapable of self-care because of a mental or physical disability.
  - .32 “*Spouse*” means a husband or wife as defined or recognized by state law for purposes of marriage, including common law marriage.
  - .33 “*Serious Health Condition*” means an illness, injury, impairment, or physical or mental condition involving either inpatient care at a hospital, hospice, or residential medical care facility, or continuing outpatient

treatment by a health care provider (i.e. a doctor of medicine or osteopathy, or other person determined by the Secretary of Labor to be capable of providing health care services).

- .4 Family and Medical Leave for eligible City employees may be used in the following situations:
  - .41 For the birth or adoption of a child, or the placement of a child for adoption or foster care.
  - .42 For the serious health condition of a spouse, child, or the employee's parent.
  - .43 For the employee's own serious health condition.
- .5 Family and Medical Leave shall be granted in accordance with the following provisions:
  - .51 Employees who are eligible for Family and Medical Leave are entitled to up to twelve (12) weeks of leave during any twelve (12) month period. The twelve (12) months is measured forward from the date the Family and Medical Leave begins (i.e. if an employee takes the leave starting on 8/15/93, their twelve (12) month time-frame is valid through 8/14/94).
  - .52 Employees must first take any applicable paid leave, to which the employee may be entitled. Employees are encouraged to use any compensatory leave accumulated.
  - .53 Such paid leave as mentioned in Section .52 above shall apply towards the total twelve (12) week Family and Medical Leave benefit. Any remaining Family and Medical leave beyond applicable injury leave, sick leave, vacation leave, or annual leave accruals shall be without pay.
  - .54 Employees are required to submit a Leave Report to their immediate supervisor as soon as it is determined that Family Medical Leave may be necessary. The Leave Report should indicate that Family and Medical Leave is being requested.
  - .55 When the Family and Medical Leave is requested for a serious health condition, the employee must provide related medical certification of that serious health condition of the employee or that of a family member to their immediate supervisor for Department Head approval and the City Physician's review when the Leave Form is submitted.
  - .56 During Family Medical Leave, the employee must provide subsequent medical re-certification of a serious health condition of the employee or that of a family member each thirty (30) calendar days to their immediate supervisor for Department Head approval and City Physician's review.

- .57 Employees are required to provide a minimum of thirty (30) calendar days advance notice to their immediate supervisor for Department Head approval of intent to take Family and Medical Leave when the leave is foreseeable, such as in the case of the birth or adoption of a child, notice should be provided as soon as reasonable and practical.
- .58 Employees are required to make a reasonable effort to schedule any planned medical treatment for the employee or that of a family member in order to not disrupt the operations of the City.
- .59 Family and Medical leave may be taken on an intermittent or reduced schedule basis when medically necessary. Medical certification must be provided and must state the dates on which medical treatment is to be given and the duration of the treatment. Minimum Family and Medical Leave expended shall be one (1) hour. Leave for the birth, adoption, or placement of a child may only be taken on an intermittent or reduced schedule when approved by the immediate supervisor and Department Head.
- .510 For Family and Medical Leave taken for the employee's own serious medical condition, a Department Head may request at any time a doctor's statement or medical opinion from the City Physician regarding the employee's physical ability to perform the duties of the job.
- .511 Employees may be temporarily transferred to an assignment more suitable for recurring periods of absence or duties slightly altered to better accommodate intermittent or reduced schedule Family and Medical Leave.
- .512 For Family and Medical Leave that extends beyond thirty (30) calendar days, a Personnel Action form must be submitted.
- .513 Family and Medical Leave shall be tracked by the employee's department.
- .6 If an employee and the employee's spouse are both employed by the city, the following provisions apply:
  - .61 If the leave is taken for birth, adoption, or placement into foster care of a child, the employee and spouse can not take more than twelve (12) weeks combined Family and Medical Leave during any given twelve (12) month period.
  - .62 If the leave is taken for the care of a sick child or because of the illness of the other spouse, each spouse is entitled to twelve (12) weeks of Family and Medical Leave during a twelve (12) month period.
- .7 For an eligible employee who takes an approved leave as defined in this policy, the following provisions apply:

- .71 The use of Family and Medical Leave shall not be considered negatively or held against the employee in reference to performance evaluations, promotional consideration, or any other employment factors. Supervisors shall not interfere with, restrain, or deny employees their rights under this policy. Nor shall a supervisor discharge or discriminate against an employee based on the employee's exercise of rights under this policy or the filing of a grievance or charge related to this policy and the Family and Medical Leave Act.
- .72 An employee who takes a leave under approved conditions and returns is entitled to reinstatement either to the same assignment or to an assignment equivalent in pay, benefits and other terms and conditions of employment.
- .73 If an employee takes Family and Medical Leave due to their own serious health condition, the City Physician must certify their ability to return to work.
- .74 During Family and Medical Leave, the employee is entitled to the continuation of health benefits. Any applicable premiums for coverage will be required from the employee for continuation. Nonpayment of premiums will result in cancellation.
- .75 Refer to Personnel Policy Section 301.3 regarding the accrual of vacation and sick leave during a period of leave.
- .8 If medical certification is required for an employee's Family and Medical Leave, it shall include the following information:
  - .81 That the employee or family member has a serious health condition.
  - .82 The date the serious health condition commenced and its probable duration.
  - .83 The medical facts regarding the serious health condition; and:
    - .831 If the leave is due to the employee's own medical condition, a description of the extent to which the employee is unable to perform his or her job duties.
    - .832 If the leave is due to family reasons, that the employee is needed to care for the child, spouse or parent and the amount of time needed to provide the care.
    - .833 If the employee is requesting partial or intermittent leave, the employees may be requested to provide verification of the schedule of treatment.

.84 If an employee request Family and Medical Leave for the employee's own serious medical condition, the employee may be required, at the City's expense, to provide a second opinion obtained by a health care provider chosen by the City. If the two (2) health care providers disagree about any information in the certification, the parites may mutually select a third medical provider at the City's expense. The decision of the third provider shall be final and binding (**Approved 8-26-93**).