

## 808.15: Personal Leave Policy

### Objective:

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To establish a policy which provides for the accrual, use, and payment of personal leave for employees assigned to contracted positions as covered in Policy & Procedure 808.9 and permanent non-bargaining unit positions covered by the City's Pension Plans.

### Authority:

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This policy amended by City Council September 21, 2020, Item A-2.

### Direction:

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Human Resources Division Manager, as an appointed official, serves at the pleasure of the Mayor, and receives direction through the Chief Administrative Officer (CAO) or designee.

### Functions:

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1. General

Provide Personal Leave to all eligible employees not covered by a collective bargaining Unit Agreement.

2. Accrued Personal Leave

Accrued Personal Leave is leave earned that is unused at any given time. Personal Leave shall begin to accrue from the first week of employment.

### 3. Earning Rate of Personal Leave

a. Personal Leave shall be earned in accordance with the following formula:

- i. From employment to fourth anniversary:  
2.62 hours per week 136 hours per year
- ii. From fourth to ninth anniversary:  
2.93 hours per week 152 hours per year
- iii. From ninth to fifteenth anniversary:  
3.39 hours per week 176 hours per year
- iv. From fifteenth to twenty fourth anniversary:  
3.77 hours per week 196 hours per year
- v. Beyond twenty fourth anniversary:  
4.16 hours per week 216 hours per year

Civil Service Management, please refer to Policy & Procedure 808.8 - Police and Fire Management. (Accrual rates for Fire and Police Appointed Officials will be at the same rates set forth in Policy & Procedure 808.8 - Police and Fire Management).

Employees normally required to work rotating shifts who do not receive remuneration for holidays except New Year's Day, Martin Luther King Day, Fourth of July, Christmas and three (3) Floater Holidays shall accrue Personal Leave at the rate of .77 hours per week in addition to that provided for in paragraphs i, ii, iv and v preceding.

- b. Persons working a regular schedule less than 40 hours a week will receive accrual of Personal Leave hours in accordance with the following formula:
    - i. Less than 20 hours – none.
    - ii. 20 to less than 40 hours – one half (1/2) of that rate mentioned above in sub-paragraphs: 3a and of this procedure. Such employees will be those employees whose status is changed from "permanent full-time" to "permanent part-time" will be allowed to carry over all personal leave. (Civilian EMTs and Civilian Paramedic employees will be at the rate set forth in P&P 808.52 – Civilian Transport Employees).
4. Use of Personal Leave
- a. Personal Leave shall not be granted until the employee has completed a minimum 90 days of continuous service. (Length of service is defined in P&P 808.5).
  - b. Personal Leave is paid time off granted to an employee for purposes of taking planned vacations, dealing with personal business, and/or recovering from illness or injury. Personal Leave may also be requested to attend to an incapacitated member of the employee's immediate family or to supplement Worker's Compensation benefits. Accrued Personal Leave may also be used for Family Leave and Domestic Violence Leave purposes. Refer to Policy 808.25-Leave of Absence for guidelines.
  - c. Scheduling and approval of Personal Leave use shall be by the Office Director/Division Manager/Department Director, or appropriate designated supervisor. Ordinarily, personal leave is to be requested prior to the day(s) it is to be used.
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- d. Employees who have used 40 hours of unscheduled personal leave or had 6 unscheduled absences within a twelve (12) month period (rollback) will be considered "extraordinary" users. Extraordinary users will be notified in writing that future unscheduled absences may require appropriate documentation and that paid leave may be denied at the discretion of the supervisor.
  - e. Personal Leave may be used in tenths of an hour.
5. Holiday During Personal Leave

When a holiday falls within an employee's Personal Leave period, the holiday shall not be charged to the employee's Personal Leave.

6. Personal Leave Buy Down Program

This program allows employees to elect to be paid for some of their accrued Personal Leave each calendar year. Multiple buy downs are permissible. The minimum buy down amount is 20 hours, with a maximum of 80 total hours for the calendar year. Department Directors may approve a buy down of more than 80 hours for the calendar year for employees with extenuating circumstances. Department Directors requesting "Personal Leave Buy Down" of more than 80 hours must get approval from the Chief Administrative Officer, and Office Directors must get approval from the Chief of Staff. Approval for leave buy down over 80 hours for the Chief Administrative Officer, Chief of Staff, Chief Finance Officer and City Attorney must be done by the Mayor. Employees must maintain a minimum balance of 100 hours leave (50 hours for part-time) after buy down.

7. Maximum Accrued Leave

Effective January 1, Personal Leave accrued in excess of 1,000 hours shall be forfeited and not carried forward to the next calendar

year. Employees who have scheduled vacation to prevent forfeiture of hours accrued in excess of the accrual cap, and due to extenuating circumstances (not within the control of the employee) cannot take the scheduled leave, may request through their Office Director, Division Manager, Department Director, Assistant Chief Administrative Officer/Chief Administrative Officer, or the Mayor's Office as appropriate, reinstatement of hours forfeited. Such requests, if approved, must be forwarded to the Human Resources Division Manager for review and final approval will be made by the Mayor or Designee.

#### 8. Resignation/Retirement/Termination

An employee shall be paid for accrued unused Personal Leave time upon resignation, retirement, or any other termination subject to repayment of any outstanding indebtedness to the City. An employee will not be compensated for accrued Personal Leave if termination or resignation occurs during the first ninety (90) days of employment.

#### 9. Deceased Employee's Accrued Personal Leave

When a person dies while employed by the City, the employee's estate shall receive the cash equivalent value of all Personal Leave accrued by the employee at the time of death, subject to repayment of any outstanding indebtedness to the City.

#### 10. Maximum Allowable Absence

An employee who, for an accumulated one hundred eighty (180) days in a continuous twelve (12) month-period, has been unable to perform the essential functions of that position (whether on leave, restricted duty, or otherwise), will be required to return to full duty or be terminated. Requests for exceptions to this policy may be submitted to the Human Resources Division Manager through the applicable Department Director prior to expiration of the 180 days. The amount of an employee's accrued leave balance and the nature of the injury

or illness will be taken into account. Requests for exceptions must be accompanied by medical evidence of the employee's ability to return to his/her current position within a reasonable amount of time. This subsection shall not apply to Civil Service employees, who shall be governed by Orlando Police Department/Orlando Fire Department policies and procedures.

#### 11. Notification of Continued Absences on Personal Leave Due to Illness or Injury

Employees shall report absence from work due to illness or injury to their supervisors prior to the employee's normal reporting time to work and daily thereafter unless excused by the supervisor.

An employee unable to return to work after a period of three (3) consecutive workdays shall make known to the supervisor the nature of the situation, as well as the name of the attending physician, if applicable.

For absences in excess of three (3) workdays, the employee may be required to provide a physician's statement or Certification of Physician Form verifying the disability of the employee or the family member. Should any question arise as to the length or type of incapacitation, the Occupational Health Medical Provider is empowered, if deemed necessary, to contact the employee and verify the extent and nature of the situation.

Employees who have been off of work for a period of ninety (90) days due to an injury or illness and who are not expected to return to work within one hundred twenty (120) days from the last day worked, should be referred by the Supervisor to the Employee Benefits Section for explanation of the LTD Application procedure.

#### 12. Medical Clearance

An employee, upon returning to work from an absence due to a job-related illness or injury will be required to report to the Occupational Health Medical Provider for medical clearance. Employees returning to work from an absence of three consecutive work days or more for a non job-related illness or injury should not normally be sent to the Occupational Health Medical Provider. Exceptions to this policy may be made if the employee's Division Manager has a legitimate concern that the employee is unable to perform the job, in which case the employee may be required to submit to a return-to-work physical by Occupational Health Medical Provider. The Supervisor may require the employee to provide a private physician's statement or Certification of Physician Form, which, after review, must be forwarded to the City's Labor Relations Section, where it will be forwarded for inclusion in the employee's medical file maintained by the City's Occupational Health Care Provider. No copies should be retained.

Absences on Personal Leave of consecutive workdays amounting to a workweek or more, for a serious health condition as defined in Policy & Procedure 808.25, will automatically be counted toward the employee's annual Family Leave entitlement. Employees will be required to have the Certification of Physician Form completed when returning to work. After review, this form should be forwarded to the City's Labor Relations Section where it will be forwarded for inclusion in the employee's medical file maintained by the City's Occupational Health Care Provider. No copies should be retained. Absences on Personal Leave of consecutive workdays amounting to more than one work week for the care of a spouse, child, or parent with a serious health condition will require completion and submission of the Certification of Physician Form and shall also count toward the employee's Family Leave maximum.

The Occupational Health Provider may require the employee to sign a medical release. Such release will permit the Physician to contact the employee's private physician for information. Failure of the



employee to sign this statement when requested is grounds for disciplinary action, up to and including dismissal.

### 13. Restoration of Personal Leave

Personal Leave may be used for the hours normally worked during the first seven (7) days of absence for a job-related injury. Should such approved job injury absence total for twenty-one (21) or more calendar days, for that injury or illness Personal Leave used during the initial seven (7) days absence (up to a maximum of forty (40) hours) will be restored to the employee's Personal Leave balance. These hours will only be restored upon receipt of notification by Human Resources from Risk Management that the Workers' Compensation payment covering that first forty (40) hours has been received from the employee.

### 14. Granting Advanced Personal Leave

Under certain circumstances, an employee may be granted advanced Personal Leave. The granting of advanced Personal Leave is at the discretion of the City of Orlando and is not an employee right. Recommendation for advanced Personal Leave must be made by the Office Director/Division Manager, and the Department Director, with final approval by the Human Resources Division Manager. Advanced Personal Leave may be approved only when such leave is required for the employee's serious disability or illness. Should an employee be granted advanced Personal Leave, such advanced personal leave shall be deducted from any Personal Leave accrued thereafter.

An employee may be granted advanced Personal Leave according to the following schedule:

Employed continuously +6 months to 4 years	80 hours
Employed continuously 5 to 9 years	120 hours



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Employed continuously 10 years and up

160 hours

If additional advanced Personal Leave is necessary, and upon determination of the Department Director and the Human Resources Division Manager, the Chief Administrative Officer or Mayor may grant such leave.

The following provisions must be met in order to grant advanced Personal leave:

a. Requirements:

- i. Additional Personal Leave is required for the employee's personal disability or illness.
- ii. All Personal Leave, Sick Leave, Management Leave, and Compensatory time credited to the employee's account has been exhausted or will have been exhausted on the effective day of the advanced leave.
- iii. Employee must expect to be out on leave for a period of five (5) consecutive days before being eligible to apply for advanced Personal Leave.
- iv. Personal Leave usage must be reviewed to determine any possible abuses (i.e. excessive unscheduled absences). (A copy of attendance record for the twenty-four (24) months prior to the latest period absence must accompany application).

b. Restrictions

Factors to be considered in denial of advanced Personal Leave include, but are not limited to:

- i. Poor attendance records for medical and non-medical reasons prior to current illness/injury and no demonstrated ability to accumulate personal leave.
  - ii. Injuries sustained in the commission of crime.
  - iii. Injuries sustained from self-inflicted injury.
  - iv. Refusal to perform light duties when available, and the Occupational Health Provider certifies the employee is able to perform light duties.
  - v. Injuries sustained while working for another employer.
- c. Applications

Applications for advanced Personal Leave must be submitted through the Office Director/Division Manager and Department Director for approval. The application will include the following information:

- i. Name and employee number of applicant.
- ii. Date of illness or disability began.
- iii. A physician's statement describing the illness or injury and estimated length of time until return to the job.
- iv. The recommendations of the Office Director/Division Manager and Department Director.
- v. A statement signed by the employee that he/she understands the provisions for granting advanced personal leave and agrees to waive future personal leave earned until the advanced personal leave credited has

been repaid. The statement shall also include the provision that at the time of termination, the employee agrees that any balance due on advanced personal leave will be reimbursed from any benefits due the employee. Any amount due over and above such benefits shall be invoiced to the employee.

- vi. A copy of the employee's attendance record for the twenty-four (24) months prior to the latest absence.

Denial of advanced Personal Leave shall not be an item subject to the provisions of Policy & Procedure Manual, Section 808.21, "Grievances".

#### 15. Pay Back of Advanced Personal Leave

When advanced Personal Leave is authorized for an employee's use, the Human Resources Division Manager will notify Centralized Payroll and the employee's Department of the amount approved. This notification will serve as authority for Payroll to accumulate a negative balance in the employee's Personal Leave account up to the amount approved. When the employee returns to work and as Personal Leave begins to accrue, the negative balance will be reduced accordingly until the balance reaches zero.

An employee may elect to use accrued compensatory time or direct monetary repayment to pay back an advanced Personal Leave debt. If such is desired, the employee will sign an appropriate memorandum to the Human Resources Division Manager requesting that a certain number of hours of accrued Compensatory time be transferred to Personal Leave. Should an employee become ill while paying back the advanced Personal Leave, the time off must be charged as Compensatory time (if available), or Leave of Absence without pay.

Pay back provisions do not apply to employees who are subsequently placed on City Long Term Disability or deceased.

**Forms:**

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None.

**Committee Responsibilities:**

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None.

**Reference:**

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Procedure approved by City Council March 9, 1970, Item 12; amended August 17, 1970, Item 27; amended January 25, 1971, Item 45. Format revised February 1, 1972; amended April 10, 1972, Item 14; amended February 4, 1974, Item 15; amended June 23, 1975, Item 20; amended October 10, 1977, Item 10; amended January 15 1979, Item 6; amended February 25, 1980; amended March 9, 1981, Item 33; amended July 20, 1981, Item 11; procedure renumbered from 708.15 and amended January 21, 1985, Item 21A-4; amended June 2, 1986, Item 8A-29; amended April 20, 1987, Item 7A-27; amended May 16, 1988, Item 19A-5; amended August 12, 1991, Item 4(LL); amended April 6, 1992, Item 2(D); amended June 21, 1993, Item 2-P; amended March 11, 1996, Item 3KK; amended March 24, 1997, Item 3BB; amended March 23, 1998, Item 3KKK; amended May 10, 1999, Item 3-A; amended January 24, 2000, Item 4LL; amended May 22, 2000, Item 8-ZZ; amended January 13, 2003, Item B-23; amended July 28, 2003, Item A-4; amended September 15, 2003; amended January 12, 2004, Item A-5; re-formatted only April 2004; amended August 9, 2004, Item A-4; amended December 13, 2004, Item A-8; amended September 10, 2007, Item A-5; amended September 21, 2020, Item A-2.

**Date:**

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This policy effective September 21, 2020.