

CITY OF FRISCO PERSONNEL POLICIES
SECTION: LEAVE

Subject: **Vacation Leave** **Effective Date:** 01/01/1997
Approved By: Ordinance 10-01-02 **Revision Date:** 09/20/2022
Revision Approved By: Ordinance 2020-09-53

I **PURPOSE:**

The purpose of this policy is to establish uniform rules and procedures to govern the accrual, use, and payout of vacation leave. Vacation leave is paid time away from work to pursue activities that promote the well-being of the individual.

An employee desiring to use vacation leave must notify the appropriate supervisor in accordance with the procedures adopted by his/her department.

II **ELIGIBILITY:**

All regular full-time employees and regular part-time employees (designated to work at least 30 hours per week) are eligible to accrue vacation leave, at the time of hire as outlined herein; part-time employees not designated to work at least 30 hours per week and seasonal and temporary employees are not eligible to accrue or use vacation leave.

III **ACCRUAL:**

Vacation leave is accrued at the close of each of the first two (2) pay periods in a month and is not available until the following pay period. Vacation leave will not accrue for any pay period for which the employee is not paid (e.g., on unpaid leave).

a. Vacation accrual for regular full-time employees (excluding certified police officers and fire fighters) is based on an eight (8) hour day. Regular full-time employees shall accrue vacation leave to a maximum balance and at the rate outlined:

- i. Five (5) hours per pay period, with a maximum accrual of 10 hours per month. Maximum balance of 240 hours.
- ii. Six (6) hours per pay period after ten years of employment, with a maximum accrual of 12 hours per month. Maximum balance of 288 hours.
- iii. 6.67 hours per pay period after 15 years of employment, with a maximum accrual of 13.34 hours per month. Maximum balance of 320 hours.

- b. Regular part-time employees, designated to work at least 30 hours per week, shall accrue vacation leave to a maximum balance and at the rate outlined:
 - i. Three and three quarters (3.75) hours per pay period, with a maximum accrual of 7.5 hours per month. Maximum balance of 240 hours.
 - ii. Four and one half (4.5) hours per pay period after ten years of employment, with a maximum accrual of 9 hours per month. Maximum balance of 288 hours.
 - iii. Five (5) hours per pay period after 15 years of employment, with a maximum accrual of 10 hours per month. Maximum balance of 320 hours.
- c. Fire protection personnel, designated to work 24-hour shifts, shall accrue vacation leave to a maximum balance of 720 hours, at the rate of:
 - i. Seven and one half (7.5) hours per pay period, with a maximum accrual of 15 hours per month.
 - ii. Nine (9) hours per pay period after 10 years of employment, with a maximum accrual of 18 hours per month.
 - iii. Ten (10) hours per pay period after 15 years of employment, with a maximum accrual of 20 hours per month.
- d. Vacation accrual for regular full-time certified police officers and days firefighters is based on an eight (8) hour day. Certified police officers and days firefighters shall accrue vacation leave to a maximum balance of 480 hours, at the rate of:
 - i. Five (5) hours per pay period, with a maximum accrual of 10 hours per month.
 - ii. Six (6) hours per pay period after ten years of employment, with a maximum accrual of 12 hours per month.
 - iii. 6.67 hours per pay period after 15 years of employment, with a maximum accrual of 13.34 hours per month.
- e. Accrual of vacation leave continues up to the maximum accrual limit or until the employee terminates employment with the City or transfers to a job classification that is ineligible for vacation leave accrual.
- f. At the end of each fiscal year, employees with vacation balances above the maximum allowed by policy will have their vacation leave balances

administratively reduced to the maximum allowed.

- g. An employee transferring from a regular part-time position to a regular full-time position shall begin to accrue vacation starting the effective date of the full-time status and this date will be used as the anniversary date for increases in accrual rates based on employment.
- h. An employee re-hired within six (6) months of the employee leaving the City, will be eligible to take vacation upon hire (once they have accrued vacation to take) and the date on which vacation accrual rate is based will be the employee's original hire date (*reference City of Frisco Recruitment and Hiring Process policy*).
- i. An employee transferring from a regular full-time position to part-time position shall retain the balance of vacation leave already accrued if the new position is also eligible for vacation leave accrual. If the new position is not eligible, see Section VIII, below.
- j. In the case of the regular job assignment of a 24-hour shift fire protection personnel moving to an eight (8) hour day schedule, their vacation balance and accrual rate will be divided by 1.5 (the same ratio as the accrual rate). In the case of the regular job assignment of an eight (8) hour day fire protection personnel moving to 24-hour shift, their vacation balance and accrual rate will be multiplied by 1.5 (the same ratio as the accrual rate).

IV USE:

- a. An employee may begin use of accrued vacation leave upon successful completion of the six-month probationary employment period.
 - i. All use of vacation leave is subject to the approval of the employee's department director or designee, who may approve or disapprove vacation leave requests according to the provisions of this policy and subject to the needs of his/her department.
 - ii. Employees with at least one year of employment must use a minimum of 40 hours of vacation (60 hours for shift firefighters) each fiscal year.
- b. Vacation leave may be used to compensate an employee for time away from work due to reasons for which accrued sick leave would normally be used but has been exhausted. Vacation leave may not be substituted for sick leave until all other accrued leave and/or compensatory time has been exhausted; however, there is no requirement that compensatory time be exhausted prior to using vacation leave for an event that qualifies for leave under the Family Medical Leave Act (FMLA) or City Leave of Absence

(CLOA). Such use is subject to the approval of the department director or designee based on past utilization and sick leave balances as they relate to tenure with the City.

- c. Terminating employees are not allowed to use vacation as their final day of employment unless the employee is using vacation for approved CLOA or FMLA leave.

V **ACCOUNTING:**

- a. An employee shall be compensated for vacation leave subject to a daily limit corresponding to the number of hours for which he/she would have been scheduled to work.
- b. In the event that an employee has exhausted all other available leave, time away from work for an event that qualifies for leave under the Family and Medical Leave Act (FMLA) or City Leave of Absence will automatically be paid from the employee's vacation leave balance, as well as be deducted from the employee's available balance of FMLA leave or City LOA.
- c. Employees on sick, short-term disability, long-term disability, FMLA or City LOA leave will be required to use, at a minimum, a portion of their accrued leave equal to 30% of their regularly scheduled hours or an amount necessary to pay for required benefit and payroll deductions, whichever number of hours is greater.
- d. The provisions of this policy apply to employees whether classified as exempt or nonexempt from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), in accordance with the rule found at 29 CFR Part 541.710 effective August 23, 2004, and pursuant to the City of Frisco's general policy of public accountability; all employees shall account for any absences subject to the application of this policy according to the manner described herein.

VI **SCHEDULING & NOTIFICATION:**

Each department shall establish and communicate to its employees specific procedures for the use of vacation leave which reflect the following:

- a. For scheduled use, a process for requesting the leave, at least three (3) working days in advance of the requested leave date, and documenting and communicating the approval/disapproval of the requested leave by the supervisor;
- b. For unscheduled use, a process for documenting the request and the

reason for the approval/disapproval of the requested leave by the supervisor;

- c. That emergency requests should be reserved for truly unforeseeable events requiring the employee to be absent to handle personal business of an urgent nature; and
- d. That the maximum continuous vacation that can be authorized is two (2) calendar weeks, unless used for FMLA or CLOA or otherwise approved by the department director based on past utilization and sick leave balances as they relate to tenure with the City.

An employee who becomes ill or who is injured while on vacation leave may request that the vacation leave be terminated, and the illness or injury time be converted to sick leave or other accrued leave type.

An employee who fails to comply with City and departmental procedures for the notification and scheduling of vacation leave may be denied paid leave and/or be subject to disciplinary action, including termination of employment. Further, an employee who takes a leave day following denial may be subject to disciplinary action, including termination of employment.

VII **VACATION HOURS COUNTED AS WORKED HOURS FOR OVERTIME CALCULATION :**

Effective October 10, 2022, the City of Frisco considers vacation hours as hours worked when calculating overtime. Overtime **MUST** be authorized and approved in advance by the employee's supervisor, manager and/or director.

Overtime - Non-exempt employees who work overtime without authorization must still be paid for the time worked. However, unauthorized overtime may result in disciplinary action up to and including termination.

VIII **PAYOUT OF UNUSED VACATION LEAVE:**

- a. Employees who have completed at least one (1) full year of employment with the City and who are considered to have left in good standing, or have transferred in good standing to a job classification ineligible for vacation leave accrual shall receive a payout of accrued, but unused vacation according to the accrual maximums outlined above and under the following conditions:
 - i. In the employee's final paycheck or in the last paycheck for which the employee is eligible to accrue vacation leave;
 - ii. On the basis of the employee's hourly rate of base pay immediately

preceding the termination or transfer and shall include any leave accrued for that pay period; and

- iii. Provided the employee has returned all required gear and equipment in good condition and has paid any tuition assistance owed per policy.

Accrued, unused vacation leave will not be paid out to employees who are terminated or resign due to the following reasons:

- i. Committing a criminal offense.
- ii. Violating or attempting to violate any of the provision of the City Charter.
- iii. Working or reporting to work under the influence of intoxicating liquors, beverages, or illicit drugs.
- iv. Working or reporting to work under the influence of any substance that adversely affects work performance and/or safety.
- v. Accepting or soliciting a fee, gift or other valuable thing in the normal course of work or in connection therewith for personal use from any person, firm or corporation, when such fee, gift, or other thing is accepted with the understanding that the donor shall or actually does receive favors or service not customarily accorded to the general public.
- vi. Stealing, removing, or defacing City property or a co-worker's property; or
- vii. Violation of the purchasing code of conduct.

- b. ~~Effective on or after October 1, 2021, payout of vacation leave accrual to employees shall be limited to the maximum limits outlined above. Prior to October 1, 2021, the payout of vacation leave accrual to employees shall be limited to the maximum of 240/288/320 hours or 360/432/480 hours for shift firefighters.~~