

CITY OF PLANO POLICIES AND PROCEDURES

210.000

Department Name: Human Resources Manual

Procedure: Leave

Effective Date: 11/01/96

Revision Date(s): 08/15/01, 1/01/03, 05/01/04, 04/01/06, 01/01/07, 04/01/08, 10/01/08, 01/01/09, 10/01/09, 01/01/10, 07/01/10, 04/01/11, 07/01/13, 10/01/13, 10/01/14, 01/01/2017

I. Purpose

To provide a uniform leave benefit policy.

II. Policies and Procedures

This procedure describes the methods used by the City of Plano to provide uniform leave benefits. The procedure covers vacations, sick leave, holidays, military leave, bereavement leave, jury/court duty, administrative leave, unauthorized leave, family and medical leave and inclement weather absences.

A. Vacation

Regular full-time employees, except fire department civil service shift personnel, earn vacation leave as follows:

Years of Service	Per Payroll Accrual	Yearly Accrual
1-10 years	4.616 hours	120
11-19 years	5.539 hours	144
20 years and over	7.385 hours	192

Part-time TMRS employees are eligible for vacation leave on a prorated basis. See section II.A.8 for further details.

Fire department civil service shift personnel earn vacation leave as follows:

Years of Service	Per Payroll Accrual	Yearly Accrual
1-10 years	6.924 hours	180
11-19 years	8.308 hours	216
20 years and over	11.077 hours	288

Vacation leave accrues from the first pay check after the hire date.

To receive the full per pay period vacation accrual, an employee must be in a paid status for the full pay period. If there is any time without pay in a pay period, the per pay period accrual will be prorated based on paid hours.

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Vacation leave may be taken after 180 days (six months) of regular employment.

Earned vacation leave may be used as follows, with supervisory approval:

1. Usage

Employees are required to use 40 hours of vacation leave each calendar year. Fire department civil service shift personnel are required to use 60 hours of vacation leave each calendar year. Hours paid through the Vacation Buy Back Program (see item 7 below) count toward this requirement. Employees not using the required amount of vacation leave by the end of the calendar year will forfeit the amount of time necessary to equal 40 hours (60 hours for fire department civil service shift personnel). A newly hired employee is exempt from this requirement during the calendar year in which s/he is hired.

2. Maximum accrual and Vacation Leave carry over

Employees may carry over a maximum of four hundred eighty (480) hours (720 hours fire department shift personnel) of accrued vacation leave hours from one year to the next calendar. Any vacation hours in excess of 480 (720 fire department shift personnel) as of January 1 of the following year will be forfeited.

3. Scheduling

Departments will schedule and approve leave based on their customers' needs, departmental operations and employees' interests. The following requirements apply:

- a. Vacation leave may be taken in fifteen-minute increments.
- b. Vacation leave shall not be advanced.
- c. Vacation leave shall not be transferred from one employee to another.

4. Transfers, Promotions and Demotions

Transferred, promoted or demoted employees shall retain accrued vacation leave.

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5. Separation/Termination

Employees who have separated their employment with the City and who have completed at least five (5) years of employment will be paid for up to 480 hours (fire department civil service shift personnel may be paid for up to 720 hours) of accrued vacation leave.

6. Rehire

Non-civil service employees and Fire Department civil service employees who separate from the City and are rehired shall not be eligible to use past service for determining accrual rates.

7. Vacation Buy Back Program

Full-time employees may elect to buy back up to 40 hours per year of future vacation accruals in lieu of taking vacation leave. (Fire department civil service shift employees may buy back up to 60 hours annually.) To participate, employees must make an irrevocable election to buy back a specified number of vacation hours during the month of December for payment to occur in the following year. This election is irrevocable and cannot be changed once election has been made. An election will be deemed final on December 31st of the election year. The employee cannot convert the "buy back" hours for vacation use at a later time.

In December of each year, the Human Resources Department will send a notice reminding employees about the program and election deadline. Employees must specify the number of hours they wish to buy back by submitting a completed Election Form through PeopleSoft no later than the specified deadline. Eligible employees may buy back 8, 16, 24, 32, or 40 hours of future vacation accruals. (Fire department shift personnel may request up to 60 hours in 12-hour increments.)

Any eligible employee failing to make their election by December 31st will be deemed to have elected not to participate in Vacation Buy Back Program for the following year.

The elected hours will be deducted from the employees' future vacation accruals **during the first 9 pay periods** following the year in which the irrevocable election is made. The Accounting Department will place the employee's buy-back hours in a "buy-back bank" and will not reflect these hours in the participating employee's regular vacation accrual

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balance. Absent extenuating circumstances, payment will occur in November of the year following the year when election is made.

Participants in the Vacation Buy Back program terminating employment prior to receiving pay for their buy back hours will, upon termination, be paid for their hours placed in the bank by the Accounting Department.

Vacation Buy Back is not available for part-time employees.

8. Part-Time Leave

Regular part-time employees who are Texas Municipal Retirement System (TMRS) eligible can accrue vacation on a prorated basis of .0965 for each hour worked. The accrual does not increase based on years of service.

The table below indicates eligibility for prorated vacation accrual based on the employee's job code:

20 or More Hours a Week (TMRS Eligible)	Under 20 Hours a Week	Seasonal Temporary
Yes	No	No

Upon termination, accrued leave for eligible part-time employees will be paid out after 5 years of service up to a maximum of 480 hours.

Refer to the table below for treatment of leave for status/pay group changes:

Employment Status Change From:	Employment Status Change To:	Leave Balance
Full-time	20 or More Hours a Week (TMRS Eligible)	Retain Leave Balance

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Full-time	Under 20 Hours a Week	Retain Leave Balance
Full-time	Seasonal Temporary	Paid Out according to termination rules
20 or More Hours a Week (TMRS Eligible)	Full-time	Retain Leave Balance
20 or More Hours a Week (TMRS Eligible)	Under 20 Hours a Week	Retain Leave Balance
20 or More Hours a Week (TMRS Eligible)	Seasonal Temporary	Paid Out according to termination rules
Under 20 Hours a Week	20 or More Hours a Week (TMRS Eligible)	Retain Leave Balance

B. Sick Leave

1. Full-Time Employees

All regular full-time employees, except fire department civil service shift personnel, earn 4.616 hours of sick leave per pay period. Fire department civil service shift personnel earn 6.924 hours of sick leave per pay period.

To receive the full per pay period sick accrual, an employee must be in a paid status for the full pay period. If there is any time without pay in a pay period, the per pay period accrual will be prorated based on paid hours.

2. Part-Time Employees

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Part-time or seasonal employees do not accrue sick leave.

3. Accumulation

Accumulation of sick leave is unlimited.

4. Usage

Sick leave may be used in fifteen-minute increments and may be used for personal illness and injury or routine health care appointments that cannot reasonably be scheduled outside work hours.

5. Care of Family Members

To assist eligible family members, employees may take accrued sick leave. This assistance will include care for a family member's illness, disability or health appointment. For the purpose of using sick leave, an eligible family member shall be the employee's child, stepchild, parent, stepparent, spouse or **domestic partner**.¹ A child is defined as a biological, adopted or foster child, stepchild, child of an employee who is standing in **loco parentis**² or legal ward of the employee. The child must be under 18 years of age, or 18 years of age or older but incapable of self-care because of a mental or physical disability.

When taking leave for a Family and Medical Leave (FML) qualifying event, the employee's accrued leave will be debited for the leave taken (refer to Policy 212, Family and Medical Leave).

6. Proof of Illness May Be Required

Department heads or their designee may require satisfactory proof of illness at any time the employee is away from the office using sick leave. The department head may also require a statement from the attending physician of the need for an employee to remain at home to attend to a sick child, spouse, domestic partner or parent. A department head may disallow use of sick leave in the absence of satisfactory proof of need.

¹ An individual, 18 years of age or older, of the same or opposite gender as the employee, who shares a primary residence and common resources of life with a city employee for at least (six) 6 continuous months.

² For clarification of self-care or "**loco parentis**," see 29 CFR, Part 825, Section 825.113.

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A department head may require the employee to furnish a statement from the attending physician confirming the employee's ability to resume his/her job duties before permitting the employee to return to work.

7. Illness While on Vacation

Employees who become ill or are injured during vacation may request that the vacation be terminated and the illness or injury time be converted to sick leave.

8. Non-Civil Service Employees Separation/Termination Pay

Non-civil service employees will be eligible to receive pay for unused sick leave upon termination as follows:

Years of Full-time Service	Payment Eligibility (percent)	Maximum Paid Hours
Under 5	0	0
5	50	300
6	60	432
7	70	588
8	80	720
9	90	720
10 Plus	100	720

Sick leave payment for police and fire department personnel shall be in accordance with state law.

No employee will be paid for more than 720 hours of accrued sick leave upon separation. (Fire department civil service shift personnel may be paid for up to 1080 hours.)

C. Sick Leave Buy Back Program ("SLBBP")

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Any employee who has an accrued sick leave balance in excess of 1,040 hours (1,456 hours for fire department civil service shift personnel) as of November 30, may participate in the City's SLBBP. Eligible employees may convert up to ten percent (10%) of the excess hours, not exceeding one hundred twenty (120) hours for regular full-time employees (one hundred eighty (180) hours for fire department civil service shift personnel) to contribute to the 457 Deferred Compensation Plan.

Converted value will be based on the employee's salary as of the date the rollover takes place. An election to participate must be made in the month of December for distribution to take place in February of the following year. Eligible employees must meet all requirements in order to participate in SLBBP. Participation in SLBBP requires enrollment in the City's 457 Deferred Compensation Plan.

In December of each year, Human Resources will notify employees who are eligible to participate in SLBBP. Eligible employees must make the irrevocable election by December 31st through the PeopleSoft system. Eligible employees failing to make the election by December 31st will be deemed to have waived participation in the SLBBP for the following year. Contribution to the 457 deferred compensation plan will be made in February following the year in which election was made.

D. Schedule of Holidays

Official City of Plano holidays will be published and distributed annually.

1. Official Holidays

- a. New Year's Day
- b. Martin Luther King Day
- c. Memorial Day
- d. Independence Day
- e. Labor Day
- f. Thanksgiving (2 days)
- g. Christmas

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h. Winter Holiday

Per Local Government, Section 142.0013(c), Firefighters shall have one of the above holidays designated as September 11th. Designation of this holiday shall be made by the Fire Department.

Employees in non-pay status on a scheduled workday immediately preceding or following a holiday shall not receive pay for that holiday.

A paid holiday not worked will not be calculated as a regular workday for computing overtime.

Employees desiring to observe religious or other holidays not coinciding with official holidays may be given time off without pay or may be authorized to use accrued vacation leave.

2. Part-Time Employees

Part-time or seasonal employees do not accrue holiday leave.

3. Department Schedules

It is the City's intent for employees to be off on City approved holidays. However, due to operational needs, employees may be required to work. Holiday time off will be based on departmental needs and supervisor approval.

Department heads shall ensure that eligible employees working unusual schedules or shifts receive the full number of official holiday hours.

Except as provided in paragraph 4 below, employees scheduled to work on holidays will be scheduled for another day off as requested by the employee and approved by the department. Except as provided in paragraph 4 below, employees may not accrue holiday leave time.

4. Holiday Accrual

Fire Department

Fire non-exempt civil service personnel in a paid status on an official City of Plano holiday will receive 8 hours (12 hours fire-shift) of holiday leave in their accrued holiday account for that holiday. The accrued holiday leave time may be taken as time off at a later date as requested

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by the employee and approved by the department and will not be calculated as time worked for computing overtime. Employees may not choose to be paid for the holiday if otherwise in paid status on the holiday.

An employee who transfers to an exempt position that does not accumulate holiday leave time will be paid up to 72 hours (108 hours for fire department shift personnel) of accrued holiday leave time in the employee's holiday account at the rate of pay of the last position in which the employee earned the time. An employee who separates from employment with the City will be paid up to 72 hours (108 hours for Fire Department shift personnel) of accrued holiday leave time in the employee's holiday account at the employee's current rate of pay on the employee's final check. Any excess holiday leave time not paid in accordance with the foregoing shall be forfeited upon transfer or separation, as applicable.

Employees may carry over a maximum of seventy-two (72) hours (108 hours fire department shift personnel) of accrued holiday leave hours from one year to the next calendar. Any holiday hours in excess of 72 (108 fire department shift personnel) as of January 1 of the following year will be forfeited.

Police and Public Safety Communication Department

Police and non-exempt PSC employees in a paid status on an official City of Plano holiday will receive 8 hours of holiday leave in their accrued holiday balance for that holiday as it occurs. The accrued holiday leave time may be taken as time off at a later date as requested by the employee and approved by the department and will not be calculated as time worked for computing overtime. Employees may not choose to be paid for the holiday if otherwise in paid status on the holiday.

An employee who transfers to a position that does not accrue holiday leave time will be paid for up to 72 hours of accrued holiday leave time in the employee's holiday account at the rate of pay of the last position in which the employee earned the time. An employee who separates from employment with the City will be paid up to 72 hours of accrued holiday leave time in the employee's holiday account at the employee's

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current rate of pay on the employee's final check. Any excess holiday leave time not paid in accordance with the foregoing shall be forfeited upon transfer or separation, as applicable.

During the year an employee may accrue more than 72 hours of holiday leave time in the employee's holiday account, but any hours in excess of 72 hours in such account will be forfeited as of January 1 of the following year.

E. Military Leave

1. Zero to 120 Hours

Employees are entitled to military leave with pay in accordance with state and federal laws for a cumulative maximum of 120 hours (15 days) in any federal fiscal year (October-September).

This includes both active duty training and regular active duty. The term "with pay" means full and regular pay for days and times the employee would ordinarily have been working.

Employees must notify their supervisors immediately upon receiving notification, or not less than thirty (30) days before their pending duty, which ever occurs first.

2. 120+ Hours

Employees whose reserve duty extends beyond the 120 hours (15 days) will be treated as employees in non-pay status. Employees with accrued vacation leave may request to use such leave through their supervisors. This will not affect their military leave status.

3. Duty Verification

Employees shall provide written performed duty verification as soon as possible, but no later than their return to work. Verification is necessary in order to confirm payment of military pay and to confirm the veteran's re-employment rights.

Verification may include, but is not limited to, orders, drill letters, training schedule and signed duty verification from the officer in charge.

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4. Supplemental Pay

- a. Any full-time regular employee who has been called to active duty by a Presidential Order will receive supplemental pay if his/her military salary is less than his/her City salary.
- b. "Military salary" means all monies paid to active duty military personnel as defined in the Defense Finance and Accounting Service (DFAS) Military Pay Table in effect for the requested period.
- c. Supplemental pay is subject to all regulatory tax and retirement withholdings and is treated as regular pay for retirement plan purposes.
- d. Supplemental pay is available until an employee is no longer called to actively serve in the military, his/her monthly military salary exceeds his/her regular City salary, or for up to five (5) years, which ever occurs first.
- e. Each employee requesting supplemental pay for active military duty must submit copies of his/her monthly military pay stubs to the Payroll Department to receive supplemental pay from the City.
- f. The supplement will not be paid for any additional time taken, as allowed by law, between release from active duty and the employee's return to work.
- g. The City will continue to make health, dental, or life insurance benefit coverage available to employees called to active military duty as long as the employee continues to pay his/her contribution, or until the City of Plano receives written instructions from the employee to change or discontinue coverage.

Employees who are called to active duty and desires to continue their health, dental and/or life insurance coverage while serving in the military must advise the Payroll Department how they will pay for their portion of the premium.

If the employee elects to continue coverage and

- (1) Receives Supplemental Pay - The employee may request that the City deduct his/her portion of the insurance premium

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from the supplemental pay. If the employee's premium exceeds his/her supplemental pay, the employee must pay the difference to satisfy his/her portion of the premium.

- (2) Receives No Supplemental Pay - The employee must pay his/her portion of the insurance premium for any coverage he/she elects to keep.

All payments for the continuation of coverage must be coordinated through the Payroll Department.

F. Bereavement Leave

Department heads/division managers, after ascertaining the exact circumstances, may grant a regular full-time employee up to 24 work hours per year for deaths within the employee's immediate family. Fire department civil service shift personnel may receive up to 36 work hours per year for deaths within the employees' immediate family. (For the purpose of bereavement leave, a "family member" shall be defined as a spouse, domestic partner¹, parent*, parent-in-law, child*, brother*, sister*, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild or grandparent-in-law.) Vacation or sick leave may be used to supplement bereavement leave, upon request and approval. Employees may be required, at the discretion of the supervisor, to present proof of death.

*Also includes step.

G. Jury/Court Duty

Employees required by summons to report for jury duty (including grand jury duty), or who are impaneled as a juror or alternate juror, shall receive their regular pay during the time period directly related to jury duty (not to exceed 40 hours of jury duty pay per week). (Fire department civil service shift employees may receive up to 48 hours of jury duty pay per week.)

1. Regular Pay

¹ An individual, 18 years of age or older, of the same or opposite gender as the employee, who shares a primary residence and common resources of life with a city employee for at least (six) 6 continuous months.

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Employees requesting regular pay for work time spent on jury duty must present proof of attendance from the presiding court before pay can be issued.

Upon release from jury duty, employees must return to their assigned work location. Employees failing to return to work during their normal work hours are subject to disciplinary action.

2. Official City Business

Employees who are subpoenaed to appear in court or before any other judicial or administrative body for and on behalf of official city business or on behalf of the county, state or federal government for services related to city duties, shall be compensated in accordance with the procedures specified under G, Jury Duty.

Employees subpoenaed to appear as a witness on behalf of the city, county, state or federal government for service related to city duties will be compensated for time spent in court in accordance with the procedures specified under G, Jury Duty.

Employees requesting regular pay shall provide a copy of the subpoena and, if available, proof of attendance by the court or respective administrative body.

3. Personal/Private Business

Employees will not be paid for time off to conduct personal or private legal business. Vacation or compensatory time may be used if approved by the supervisor.

H. Administrative Leave

1. With Pay

Employees may receive paid administrative leave for official business or other work-related matters as designated by the division manager or designee. Other authorized purposes may include, but not be limited to, voting in official elections, investigative proceedings, jury duty, professional conferences, conventions, training activities, legislative

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proceedings, civic functions or any other purpose deemed to be in the City's best interests.

2. Without Pay

Administrative leave without pay (ALWOP) will be utilized when employees have: (a) exhausted all accrued paid leave, or (b) been placed on such leave by department heads/division managers.

Employees in "leave without pay" status for 80 hours or more will not accrue benefits for that period. Employees may pay for continuing health insurance coverage.

Any employee placed on ALWOP for more than 80 consecutive hours should contact TMRS to find out if such leave had an impact on his/her TMRS service eligibility.

I. Unauthorized Leave

Employees failing to report for duty or failure to remain at work as scheduled without proper notification, authorization or excuse shall be considered to be on unauthorized leave of absence and shall not be in pay status for the time involved. Unauthorized leave of absence constitutes abandonment of duties and can result in dismissal.

J. Family and Medical Leave

Eligibility for leave under the Family and Medical Leave Act (FMLA) requires that employees must have worked for the city for a total of twelve months and at least 1250 hours in the previous 12 months. Up to 12 workweeks of Family Medical Leave may be granted during a 12-month period (**See:** Policy 212).

K. Inclement Weather

1. City offices and activities will remain open and in operation during established working hours unless the City Manager or designee declares the offices officially closed due to inclement weather.

2. Compensation for Inclement Weather Absences. Compensation for absences related to inclement weather will be as follows:

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3. **No Official Closings.** Employees unable to report to work due to poor road or other extreme weather conditions have three (3) options available in order to be paid for hours missed:
 - a. Make up the time during the same pay week (non-exempt only);
 - b. Use accrued vacation; or
 - c. Use compensatory time or exempt time off as applicable. Prior department head/division manager approval shall be obtained before any of these options may be utilized. Neither the salary nor the leave accruals of an exempt employee will be docked for absences of less than one (1) full work day.
4. **Official Closings.** If the City Manager or designee closes a facility/service due to inclement weather, an employee scheduled to work will be paid for the regularly scheduled work hours while the facility/service is officially closed.
5. **Early Closings.** If the City Manager or designee closes a City facility early due to inclement weather, an employee who reported to work will be paid for the remainder of the regularly scheduled hours. A non-exempt employee who remains as part of an essential crew will be allowed to accrue compensatory time or will be paid overtime at the Department Head discretion. Part-Time employees will be paid for actual hours worked.
6. **Opening Late.** If the City Manager or designee delays the opening of a City facility, an employee who reports to work at the delayed time will be paid from the regularly scheduled start time. Part-time employees will be paid for actual hours worked.
7. **Emergency Services.** Employees designated by their department head to provide emergency services will report to work as provided by their department rules during an official closing.

III. Appendices

None referenced.