

## PART 14. - LEAVES

## 14.010 - LEAVE DEFINED

Leave is any authorized absence, with or without pay, during regularly scheduled work hours, which is approved by the proper authority. Leave is an employee benefit and all leave shall be earned and granted to employees as set forth in the following rules:

## 14.020 - GENERAL LEAVE APPROVAL

Leave will be granted on the basis of the work requirement as a priority, but whenever possible on the personal wishes of the employee. Requests for leave will be approved, denied, and governed by Department Directors. Department Directors or their designees may request a medical excuse for any unplanned request for leave due to illness for an employee or for an immediate family member.

## 14.030 - PAID TIME OFF (PTO)

Paid Time Off (PTO) is available to cover employees needs for time away from work including: Vacation, Illness, or other personal reasons.

## 14.040 - PTO ACCRUAL

Full Time Regular employees earn PTO hours based on the multiplier used times the regular hours paid each pay period, excluding overtime and other hours that are in addition to the budgeted base position hours of 2080. The longer an employee remains with the City of Alamogordo, the larger the multiplier will be based on the following table.

Full Years of Service	Maximum PTO Hours Earned Per Year	Maximum PTO Days Earned Per Year	Multiplier
0—5 Years	172	21.50	0.082692308
6 Years	180	22.50	0.086538462
7 Years	188	23.50	0.090384615
8 Years	196	24.50	0.094230769
9 Years	204	25.50	0.098076923
10—15 Years	212	26.50	0.101923077
16 Years	220	27.50	0.105769231
17 Years	228	28.50	0.109615385

18 Years	236	29.50	0.113461538
19 Years	244	30.50	0.117307692
20 Years and Up	252	31.50	0.121153846

PTO hours are calculated and updated each biweekly pay period through the payroll system. Employees whose positions are budgeted for 2080 hours per fiscal year may only earn PTO hours up to the maximum per year listed in the calculation table above. Employees may not borrow against future PTO accruals or carry a negative PTO balance.

#### 14.050 - PTO REQUESTS.

It is important that you plan PTO use carefully so that appropriate replacements can be scheduled. Employees are responsible for requesting PTO in writing and submitting it to their supervisor for approval at least one (1) week in advance for all time off, except in those cases where advance notice is not possible i.e. hospitalization, family emergency, etc., or when otherwise agreed to by the supervisor. In the instance of an unplanned absence, the employee is responsible for making every effort to notify their supervisor at least one (1) hour before the beginning of their scheduled work period.

An absence shall be considered unauthorized whenever the employee's supervisor or designee has not been properly notified before the shift begins. Responsibility for excusing an unauthorized absence shall rest with the immediate supervisor. An unauthorized absence may be paid if PTO accruals are available and the supervisor has approved the unauthorized absence. Unauthorized leave may also be recorded as leave without pay at the discretion of the supervisor.

While employees will begin earning PTO hours upon hire, they are not eligible to use PTO until they have completed their first six months of full time employment. An exception will be granted and current hours made available if the employee provides documentation of illness signed by a licensed medical professional. If an employee is injured on the job during their introductory period they will have access to their available PTO leave balance to cover lost time that they are not compensated for in any other manner for the first seven (7) calendar days. Should the leave balance not be sufficient to cover the time, leave-without-pay may be authorized.

(Ord. No. 1350, § 1, 2-23-09; Ord. No. 1423, § 1, 11-20-12)

#### 14.060 - PTO AND SEPARATION OF EMPLOYMENT

Employees will be paid up to 280 earned, unused hours of PTO upon their retirement date. Payment for unused PTO shall be paid at the employee's regular base rate of pay at the time of retirement. PTO in excess of 280 hours will be forfeited.

Employees will be paid up to 240 earned, unused hours of PTO upon separation of employment; not in conjunction with retirement, after they have completed their introductory period. Payment for unused PTO shall be paid at the employee's regular base rate of pay at the time of separation. PTO in excess of 240 hours will be forfeited.

All accruals cease as of the date of separation.

PTO will not be paid out to employees who leave during their first six (6) months of full time regular employment status.

(Ord. No. 1460, § 1, 2-25-14)

#### 14.070 - PTO CONVERSION

Employees may convert a maximum of eighty (80) PTO hours per fiscal year for a cash payment at a rate of two (2) hours pay for three (3) hours of leave. This conversion is only possible for PTO balances over two hundred forty (240) hours. The minimum amount of hours employees may convert per conversion is eight (8) hours. The maximum number of times an employee may convert leave to pay during the fiscal year is four (4). All requests to convert leave to pay must be submitted to the Personnel Department at least seven (7) calendar days before the pay date the employee wishes to receive the payment.

(Ord. No. 1341, 9-9-08)

#### 14.080 - VOLUNTARY PTO TRANSFER

There are times when employees may face conditions, which require an extended absence from duty and subsequently result in the exhaustion of their PTO. In such cases, the City Manager may permit a regular full-time employee to receive PTO donations from other qualified employees under this subsection under the following conditions:

The employee or an immediate family member suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature which has caused, or is likely to cause, the employee to go on leave without pay status or terminate City employment;

The employee's absence and the use of shared PTO are justified;

The employee has depleted or will shortly deplete his or her PTO reserves; and

The employee has abided by all personnel rules regarding PTO use.

The City Manager shall determine the amount of PTO, if any, which an employee may receive under this section, not to exceed ninety (90) days.

Donated PTO shall be utilized in the order of receipt by the City Manager. Such leave shall be donated in one (1) hour increments, with the minimum donation of 8 hours per donor.

An employee who has accrued a PTO balance of more than 160 hours may request that the City Manager transfer a specified amount of PTO to another employee authorized to receive PTO under this section. In no event may the employee request a transfer of an amount of PTO that would result in his or her own PTO account going below 160 hours.

The amount of PTO time transferred under this section which remains unused shall be returned to the employee or employees who transferred the leave when the City Manager finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred.

#### 14.090 - BEREAVEMENT LEAVE

The City shall allow up to twenty-four (24) scheduled work hours of paid Bereavement Leave for full-time regular employees in cases of death in the immediate family. The "immediate family" for the purposes of this provision is defined as: spouse, children, brother, sister, parents, grandparents, grandchildren, in-laws, step and half relatives of the same, and to persons who have established a relationship by other operation of law or through lifestyle accommodations being equivalent of a marriage or family relationship.

Employees who must travel 500 miles or more one way will be allowed an additional eight (8) hours of Bereavement Leave for a total of thirty-two (32) hours during any one instance.

Bereavement Leave with pay is not chargeable to leave accrual accounts.

Employees may use additional hours of accrued leave or leave without pay pending approval of the department director. Documentation of death may be required.

#### 14.100 - INJURY LEAVE

The Worker's Compensation law provides for a waiting period before employees who are injured on the job become eligible for wage replacement benefits. The City allows these employees to use their accrued leave for time lost during this waiting period.

A qualified doctor of medicine must certify that the injury requires the employee's absence from work. Following an injury, an employee must cooperate with the City in any legal actions to recover damages, benefits, and/or settlements or in any court action.

Following an injury, an employee must be cleared for return to work by the Personnel Manager, as the City may require a medical examination of the employee by a physician designated by the City.

Prior to returning to work from Injury Leave, a physician's statement, indicating date of release to return to work, medical condition and any physical limitations must be submitted. Failure to return from leave of absence on the specified date will be considered job abandonment.

Where an employee is injured on his City assigned duties, the Personnel Manager will be responsible for assigning the injured employee to light duty, where possible based on medical opinion by a qualified physician. Every effort will be made to place the injured employee within their own department first before going to other City departments.

Questions of compensability and settlement of claims shall be referred to the City's Worker's Compensation Insurer or the New Mexico Worker's Compensation Administration.

The Personnel/Safety Department will inform injured employees of their options under the Worker's Compensation Act. The City shall continue paying the employer's portion of all benefits while an employee is on injury leave. Employees on leave will promptly need to make payment arrangements with Payroll for their portion of the cost of any benefits.

#### 14.110 - FAMILY AND MEDICAL LEAVES OF ABSENCE

The City of Alamogordo administers family and medical leaves of absence in accordance with the Family and Medical Leave Act of 1993.

#### 14.120 - CIVIC LEAVE

A regular full or part-time employee who is called to serve required jury duty during normal working hours shall be paid at their regular rate of pay or will be granted the appropriate leave for time served as a juror. The employee shall reimburse the City for all compensation received for such service performed during normal working hours. All fees will be turned in to the Finance Department, excluding mileage fees.

The employee is responsible for notifying his/her supervisor and providing a copy of the jury duty notice to the Personnel Department as soon as the employee receives it. Employees will be required to return to work when they are no longer needed to serve during the period of his/her regular work hours.

Employees subpoenaed as witnesses, related to their employment, during work hours shall be paid at their regular rate. Employees will be required to return to work when they are no longer needed as witnesses. Employees must return witness fees to the City if called as a witness during working hours or may use annual leave and retain any fees.

Employees who are parties to or subpoenaed as witnesses in administrative or judicial proceedings unrelated to their employment or official capacity with the City must submit a request for leave of absence specifying accrued leave use or leave without pay to their immediate supervisor. Under this condition, employees are not required to return witness fees to the City.

#### 14.130 - VOTING LEAVE

A City employee who is eligible and registered to vote shall be granted up to two (2) hours with pay, between the opening and closing times of the polls, to vote on all election days. Time off will not be granted to employees whose normal work day begins more than two (2) hours after the opening time of the polls or ends more than three (3) hours prior to the closing time of the polls. Time off for voting will not be utilized for any other purpose. The time of day will be regulated by the supervisor to minimize disruption of service. The employee may be required to produce proof of voter registration.

#### 14.140 - MILITARY LEAVE (ANNUAL AND EMERGENCY)

Military leave with pay will be authorized for all employees who are members of the National Guard of New Mexico or any organized reserve unit of the Armed Forces of the United States, including the Public Health Service, for a period not to exceed fifteen (15) days in each calendar year. This leave is in addition to other authorized leave, when employees are ordered to active duty training with such units.

All employees called to active duty in emergencies declared by the Governor or the President for short periods of time shall be granted military leave with pay not to exceed fifteen (15) days. A copy of orders must be attached to all requests for military leave, annual or emergency. This leave does not apply to assignments volunteered for by the employee. Authority for all military leave shall be within the provisions of Public Law. Employee's rights will be retained as required by law.

#### 14.150 - SAFETY AWARDS LEAVE

Eligible employees may receive safety award leave as per the Safety Program. Safety leave will be utilized prior to the last working day paid in each fiscal year or will be forfeited.

#### 14.160 - LEAVE OF ABSENCE

A regular full-time, non- introductory employee, upon written request through his/her Department Director, may be granted a leave of absence without pay for a period not to exceed ninety (90) days. The request shall be submitted by the employee to the Department Director. The Department Director will

prepare a recommendation to the City Manager, through the Personnel Department. The recommendation will include the reason for the request, the day it will start and expected day of return, and how it will impact on the department operations.

Employee's that are on approved leave without pay:

- A. Shall not withdraw their PERA retirement benefits.
- B. Will not earn leave benefits, while on their LWOP duration.
- C. Are not eligible for holidays that fall during the period of LWOP.
- D. Shall not use LWOP to work for another employer or pursue self-employment.
- E. The employee's anniversary date shall be adjusted to reflect length of the absence for the purpose of computing longevity.
- F. Are eligible to continue participation in the City's health insurance program provided the employee pays the City the full insurance premium.
- G. Shall be terminated if they fail to return on the day specified, unless an extension has been authorized in advance.
- H. May continue PERA coverage provided the employee pays the employee and the City's contributions.
- I. Employees must use all accumulated leave and comp-time prior to voluntary LWOP.

#### 14.170 - ADMINISTRATIVE LEAVE

It is recognized that certain events arise that make administrative leave necessary. The Department Director or designee may place an employee on administrative leave with pay based on certain events. These events may include:

- A. The removal of an employee for the safety or welfare of other employees, and/or the public,
- B. The removal of an employee for the purpose of protecting the Cities facilities or properties,
- C. The removal of an employee to conduct an investigation,
- D. The removal of an employee whose conduct or welfare is at issue.

The basis for such administrative leave shall be documented and submitted on the approved form to the Personnel Manager at the time of or within 2 business days of the administrative leave commencing.

Administrative leave under this section shall not constitute corrective action. During the administrative leave, the employee shall not attend his or her regular work site or any other city facilities, except as designated by the Department Director. The employee shall remain available during normal work hours to meet with the Director or designee, as requested.

The employee may be placed on administrative leave with pay by the Director with concurrence from the Personnel Manager for up to five (5) consecutive working days for non-shift workers and 7 consecutive calendar days for shift workers. Leave beyond these limitations will only be authorized by the City Manager.

Other instances where Administrative Leave may be used are:

- A.

When an employee is referred to the Employee Assistance Program by the supervisor as outlined in the Employee Assistance section. Employees will be granted a reasonable amount of administrative leave for appointments scheduled during normal work hours.

- B. When an employee is selected for competing for a position within the City's service. Employees may be granted a reasonable amount of administrative leave for events (i.e. interviews, tests, etc.) during their normally scheduled work hours. This does not include competitions such as for Police Officer Trainee positions, which take more than an hour.

#### 14.180 - UNAUTHORIZED ABSENCE

Any leave not authorized according to the appropriate rules set forth in this manual shall be deemed to be an unauthorized absence without pay. All unauthorized leave shall be originally recorded as unpaid AWOL - absence without leave. Upon receiving information of the reasons behind the unauthorized absence, the Department Director may change the leave to Paid Time Off without losing the right to give the employee corrective action up to and including termination. After two consecutive shifts of unauthorized absences, employees are subject to termination under the Abandonment section of this manual.

#### 14.190 - HOLIDAY LEAVE

The City shall observe the following holidays:

NEW YEAR'S DAY: January 1

MARTIN LUTHER KING DAY: 3rd Monday in January

PRESIDENT'S DAY: 3rd Monday in February

MEMORIAL DAY: Last Monday in May

INDEPENDENCE DAY: July 4

LABOR DAY: 1st Monday in September

THANKSGIVING DAY: 4th Thursday in November

DAY AFTER THANKSGIVING: Friday after Thanksgiving\*

CHRISTMAS DAY: December 25

\*This was traded for Veteran's Day.

In the event a holiday falls on Sunday, the following Monday shall be deemed to be the holiday. In the event the legal holiday falls on Saturday, the preceding Friday shall be deemed to be the holiday. In these cases, time worked on the actual holiday on Saturday or Sunday will be the time that is eligible for holiday pay in accordance with the section on Holiday Pay under Compensation.

For more information on paying for time worked on holidays, see the section on Holiday Pay under Compensation.

The following are to be included under the Glossary of Terms:

HOLIDAY LEAVE PAY - pay for leave granted on observed holidays.

HOLIDAY PAY - pay for time worked on actual holidays.

PREMIUM PAY - pay at a rate of one and a half (1½) times the normal hourly rate for time that is not overtime such as time spent on specific projects, emergencies, or grant funded projects authorized by the City Manager.

(Ord. No. 1322, 2-12-08)