



ADMINISTRATIVE POLICY
City of Wilmington

EFFECTIVE DATE: 9/5/2023	APPROVED BY: City Council	POLICY NUMBER: 212
SUBJECT: Paid Leave		

PURPOSE

The city recognizes that employees need time off from work for various reasons. This policy outlines the general regulations regarding paid leave for all City employees. Paid leave identified in this policy includes: administrative, bereavement, blood donation, civic, holiday, school support/volunteer, sick, vacation, and transferred sick.

POLICY

Employees who are budgeted and scheduled to work at least 1,000 hours annually are eligible for paid leave. Paid leave is intended to provide compensation to meet an employee's regularly scheduled hours; therefore, leave is not counted as "hours worked" for the purpose of calculating the City's liability to the employee under the overtime provisions of the Fair Labor Standards Act (FLSA).

1.0 GENERAL GUIDELINES

- 1.1** With City Manager's approval, department directors may institute department-specific procedures to address needs related to the scheduling of paid leave and reporting requirements. Department directors are responsible for ensuring consistent application of leave procedures.
- 1.2** Employees cannot use leave to exceed their regular scheduled hours in the work period (biweekly for sworn/uniformed position in police and fire and weekly for all other non-exempt positions).
 - 1.2.1** Managers and Supervisors must reduce the amount of paid leave requested to the scheduled hours in the work period.
 - 1.2.2** Employees should always review the accuracy of their payment for hours worked and must notify their immediate supervisor or manager if they have been under or over paid.
 - 1.2.3** If paid leave has been paid to an employee, in error, such that it exceeds their regular scheduled hours in the work period, the overage will be restored to the employee's appropriate leave accrual. Overpayment in wages will be deducted the first pay period following the discovery of the

error. In an extreme case, a re-payment plan may be established and approved by the HR Director, Finance Director and City Manager.

- 1.3 Department directors may deny paid leave requests based on operational necessity.
- 1.4 Paid time may not be transferred from one employee to another (with the exception of Sick Leave Bank).
- 1.5 Use of accruals may not exceed available accrual balance or other eligibility criteria outlined in a specified paid leave.
- 1.6 Accruals will continue while employee is in a paid status at least 50% of their scheduled hours in the pay period. Employees who are in a paid status through at least 50% use of the sick leave bank will not accrue sick and vacation leave.

2.0 ADMINISTRATIVE LEAVE

Department directors, with the concurrence of the City Manager, may authorize paid administrative leave during internal investigations or for other acceptable reasons.

3.0 BEREAVEMENT LEAVE

- 3.1 Bereavement leave covers time absent for the death of the employee's immediate family member (employee's spouse, parent, child, sibling, grandparent, great grandparent to include relationships status of: in-law, foster, step and in loco parentis). The City will authorize per fiscal year a total of one work week (see Exhibit C for hours by employee type) of paid bereavement leave. Bereavement leave does not need to be consecutive, but must be used within a reasonable time of the death and documented in the time and attendance system. Any unused hours will not be paid out at termination or at the end of the fiscal year.
- 3.2 Employees who need additional time off for bereavement may request accrued time off (excluding Transferred Sick Leave, unless all other accrued time has been exhausted). If an employee does not have accrued leave, they may request time off without pay.
- 3.3 Employees utilizing bereavement leave may be required, at the City's discretion, to validate the death and/or attendance at a grieving ceremony and/or visitation with others.
- 3.4 Based on the operational needs of the department and approval of the department director, an employee may be released from duty and paid for such time to attend funeral services for a current City employee. Employees who are not scheduled to be on duty at the time of the services will not be compensated for the time to attend the services.

4.0 BLOOD DONATION LEAVE

Employees may be offered time off with pay when donating blood during a city organized blood drive or by visiting the local Red Cross donation site within two weeks following the blood drive. With approval, donors will be paid for the time it takes to donate at the City organized blood drive, and will receive four hours of time off after submitting a blood drive donor form that is completed in entirety and signed by an American Red Cross representative at the time of donation. Employees may not accumulate more than 16 hours in a fiscal year. Blood donation time must be used before the end of the fiscal year in which it was earned and is not paid out at the end of the fiscal year or upon termination.

5.0 CIVIC LEAVE

5.1 Employees may be granted unpaid time off for a reasonable period of time, to vote in national, state and local elections when normal work hours would not otherwise allow them an opportunity to vote. Employees needing time off must use accrued leave or take the time without pay.

5.2 Employees called upon for jury duty, may be granted paid time off after providing appropriate documentation to his/her department director for each day served. When jury or witness duty ends one hour or more from the end of that employee's normal work shift, the employee shall return to work for the remainder of his or her work shift.

5.3 An employee who is the plaintiff, defendant or witness in private, civil or criminal litigation shall not be entitled to paid civic leave.

6.0 HOLIDAY PAY/LEAVE

6.1 The City provides compensation and time off for the following observed holidays:

- New Year's Day
- Martin Luther King, Jr. Holiday (third Monday in January)
- Good Friday
- Memorial Day (last Monday in May)
- Juneteenth Independence Day
- Independence Day (July Fourth)
- Labor Day (first Monday in September)
- Veterans' Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas, three days

6.2 Holiday hours will be paid based on the employee's monthly sick leave accrual rate (See Exhibit B). Employees working a schedule less than 40 hours per week will receive holiday pay on a pro-rated basis. All employees must be in paid status the day before and the day after the holiday to be eligible for compensation.

- 6.3** Due to operational needs, employees may be required to work on any or all of the observed holidays. Department directors are responsible for ensuring unbiased application of holiday scheduling.
- 6.3.1** Non-exempt employees in designated positions scheduled to work on the holiday may observe the holiday another day in the pay period in which it occurs; or bank the hours for future use or payment.
- 6.3.2** Exempt employees may not bank holidays. However flexible schedules may be established with approval of the department director.
- 6.4** Non-exempt employees who are in classifications that are approved for ‘banking’ a holiday, can only schedule the use of the banked holiday subject to operational demands of the department and the approval of his/her supervisor. Supervisors should encourage employees to use the time off. If an employee’s regular schedule requires them to work, but they request the day off to observe the holiday, they may not bank holiday hours.
- 6.5** All banked and used holidays will be tracked in the automated personnel / payroll system.
- 6.5.1** A non-exempt employee may bank worked designated holidays within a fiscal year. No banked holiday may be carried from one fiscal year to another. All banked holiday hours will be paid out the last check in June. Memorial Day and Juneteenth cannot be banked and will be paid in the pay period that they are recognized.
- 6.5.2** An employee with holiday bank hours may request at any time, payment of their holiday bank. The employee must make the request in writing at least two weeks prior to the anticipated date for pay out.
- 6.5.3** When a change in hourly compensation occurs, an employee shall be paid for any holiday hours banked prior to the effective date of the change at the value at which those hours were banked.
- 6.5.4** Any banked holiday hours in an employee’s account will be paid upon termination.

7.0 SCHOOL SUPPORT/VOLUNTEER LEAVE

- 7.1** Employees with school age children (K-12) may be granted up to eight hours of paid time off for the purpose of attending parent/teacher conferences, volunteering or otherwise participating in the activities of schools that take place during their regular scheduled work hours. All employees may also volunteer with any non-profit organizations within the city or the community where the employee resides during their regular scheduled work hours. A total of eight hours may be granted per fiscal year (July – June) and may not be carried over year to year.

- 7.2 Employees may be required to furnish written verification of attendance from the school or non-profit organization, during the time of the leave

8.0 SICK AND VACATION LEAVE

Sick Leave may be granted to an employee absent from work for health-related appointments, personal illness or to care for a member of the employee's immediate family or household.

Vacation leave may be granted to an employee absent from work for personal use and may be used as sick leave only when all sick leave is exhausted.

- 8.1 **ACCRUAL RATES** Accrual rates for sick and vacation leave are based on the employee's most recent hire date or benefit eligibility date. Accruals are earned bi-weekly and become available when the payment for the period is received. (For accrual rates see Exhibit A and Exhibit B)

- 8.1.1 Sick and vacation leave is accrued in terms of hours, not days or shifts and may be used in increments of hours and/or minutes.

- 8.1.2 Sick and vacation leave balance and accrual rates will be converted when there is a change (at the beginning of the pay period) in the number of hours regularly scheduled during a work period, in order to provide equity in the sick and vacation leave balance and future accruals. Conversions are calculated by dividing the new scheduled hours by the old scheduled hours.

- 8.1.3 Sick leave shall accumulate with no maximum, and may be used as credit for service under the North Carolina Local Governmental Employees' Retirement System and/or Law Enforcement Officers' Retirement System.

- 8.1.4 Maximum vacation leave accruals may not exceed twice the employee's annual accrual amount. Accrual amounts are evaluated during the pay period that includes December 31st of the year. For employees who have vacation hours in excess of the annual maximum, the excess amount will be rolled over into the employee's Transferred Sick Leave balance.

- 8.2 **ILLNESS** The department director or designee may require a physician's note including the employee's ability to resume or continue duties for each occasion on which the employee uses sick leave. The verification should not specify medical details of the illness/injury.

- 8.2.1 When the employee provides a physician's note in support of an injury or illness, a fitness-for-duty certification from the City's occupational healthcare provider may be required prior to the employee's return to work.

- 8.2.2 If the employee or immediate family member is hospitalized while on vacation, the employee may use sick leave rather than vacation time for the

duration of the hospitalization. The employee must notify their immediate supervisor prior to the closing of the next payroll. If the employee becomes ill while on vacation, but is not hospitalized, the absence will remain as vacation time.

8.2.3 If an illness related absence is known in advance and/or the duration of sick leave exceeds three consecutive working days, the employee will be given an FMLA Designation Notice in accordance with the Family Medical Leave policy. Final determination of the family medical leave status must be confirmed by the required certification(s).

8.3 SEPARATION Upon separation from employment, employees may receive the following accrual payments:

8.3.1 Employees hired before July 1, 2009, in good standing may be authorized by the City Manager, to be paid up to 25% of unused sick leave. Employees hired after July 1, 2009 are not eligible for this benefit.

8.3.2 Employees shall receive pay for vacation leave accumulated to the date of separation, not to exceed twice the employee's annual accrual level.

8.3.3 In the event of employee death while employed by the City, the estate shall be entitled to payment for vacation and sick leave accumulated to the date of death as outlined above.

9.0 TRANSFERRED SICK LEAVE

Sick leave balances accumulated during employment with a qualifying governmental agency, i.e., a participating member agency in the retirement system under the umbrella of the North Carolina State Treasury Department, within the prior 365 days, will become available to the employee as transferred sick leave.

9.1 New employees must provide documentation from previous North Carolina state or local government employer of the sick leave balance which is available for the employee's use at the time of separation from prior agency and for which the employee received no compensation.

9.2 Employee must exhaust all other leave balances before using transferred sick leave. Balances are not paid out upon separation, but can be used towards NC Retirement in the calculation of years of service.

EXHIBIT A

Vacation Accrual Schedule

Years of service	Hours per pay period	Hours per year	Maximum Accrual	Equivalent days
Less than 2	3.08	80.08	160.16	10.01
2 - 5 years	3.70	96.20	192.40	12.02
5 -10 years	4.62	120.12	240.24	15.01
10 -15 years	5.54	144.04	288.08	18.00
15 and over	6.47	168.22	336.44	21.02

Years of service	Hours per pay period	Hours per year	Maximum Accrual	Equivalent days
Less than 2	3.70	96.20	192.40	12.02
2 - 5 years	4.62	120.12	240.24	15.01
5 -10 years	5.54	144.04	288.08	18.00
10 -15 years	6.47	168.22	336.44	21.02
15 and over	7.39	192.14	384.28	24.01

Years of service	Hours per pay period	Hours per year	Maximum Accrual	Equivalent days
Less than 5	4.62	120.12	240.24	15.01
5 -10 years	6.16	160.16	320.32	20.02
10 -15 years	7.08	184.08	368.16	23.01
15 and over	7.39	192.14	384.28	24.01

Years of service	Hours per pay period	Hours per year	Maximum Accrual	Equivalent days
Less than 2	3.24	84.24	168.48	10.02
2 - 5 years	3.88	100.88	201.76	12.00
5 -10 years	4.85	126.10	252.20	15.01
10 -15 years	5.82	151.32	302.64	18.01
15 and over	6.79	176.54	353.08	21.01

Years of service	Hours per pay period	Hours per year	Maximum Accrual	Equivalent days
Less than 2	3.88	100.88	201.76	12.00
2 - 5 years	4.85	126.10	252.20	15.01
5 -10 years	5.82	151.32	302.64	18.01
10 -15 years	6.79	176.54	353.08	21.01
15 and over	7.76	201.76	403.52	24.01

Years of service	Hours per pay period	Hours per year	Maximum Accrual	Equivalent days
Less than 2	4.33	112.58	225.16	10.00
2 - 5 years	5.20	135.20	270.40	12.01
5 -10 years	6.50	169.00	338.00	15.02
10 -15 years	7.79	202.54	405.08	18.00
15 and over	9.09	236.34	472.68	21.00

Years of service	Hours per pay period	Hours per year	Maximum Accrual	Equivalent days
Less than 2	5.20	135.20	270.40	12.01
2 - 5 years	6.50	169.00	338.00	15.02
5 -10 years	7.79	202.54	405.08	18.00
10 -15 years	9.09	236.34	472.68	21.00
15 and over	10.39	270.14	540.28	24.01

EXHIBIT B

Sick Accrual Schedule

Scheduled Hours	Pay Period Accrual Rate
Full time 2080 hours annually	3.70
Part Time above 1000 hours annually	Scheduled annual hours/2080*3.70
Shift Fire	5.20
Sworn Police	3.88

EXHIBIT C

Bereavement Accrual Schedule

Scheduled Hours	Annual hours available
Full time 2080 hours annually	40
Part Time above 1000 hours annually	Scheduled annual hours/2080*40
Shift Fire	56.08
Sworn Police	42