

ARTICLE 4. BENEFITS

Section

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Purpose: To define appointments that are eligible for employee benefits.

HR-4-01. Benefit Administration

- A. Eligibility for leave. All City service employees, except part-time, emergency, seasonal, and temporary employees, are eligible for any type of leave with pay from the date of appointment. Original probationary employees earn vacation and sick leave from their date of appointment but may only use accrued sick leave during their probationary period. Except as otherwise required by law, part-time, emergency, seasonal, and temporary employees are eligible only for Paid Sick Time (as set forth in HR-4-05), administrative leave, military leave, and civic duty leave for voting and jury duty.
- B. Requests for leave. Where foreseeable, an employee must obtain approval in advance and in writing prior to taking any leave.

Purpose: To classify types of training and employment development education and to establish a tuition reimbursement policy.

HR-4-02. Training.

- A. Mandatory training or technical training or seminar assigned to an employee by a supervisor either at the supervisor's initiative or at the request of the employee that is directly related to the employee's job is paid by the City and time spent during class is considered worked time as stated in 29CFR785.29.
- B. Certification and licensing. Certification and licensing required for maintaining an employee's current position shall be paid by the city. This may include payment for courses, training, testing, and certification or licensing fees.
 - 1. Time spent in training, en-route, studying, preparing or doing homework to obtain required license or certification is not work time.
 - 2. Certifications and/or licensing, training or education not required for the current position will not be paid under this sub-section but may be considered for partial or full reimbursement of tuition only under D (1).
 - 3. Certifications and/or licenses, training or education required for another position, for a potential promotional opportunity, or to advance in an employee's career will not be covered by this section but may be considered for partial or full reimbursement of tuition only under D (1).
- C. Other training. Wellness classes and employee development classes of short duration that are not directly related to the employee's current job may be paid by the city and an employee may be allowed to attend class during working hours at the discretion of the supervisor. Travel time may not be compensable. Other time spent in activities related to the class, but not required, is not work.
- D. Tuition Reimbursement. Tuition reimbursement is part of employment development and, if approved, may be granted to an employee.
 - 1. The conditions to approve tuition reimbursement are the following:
 - a. Classes or course shall be at an accredited institution approved by Human Resources.
 - b. Knowledge acquired and contents of the course or class shall be related to the current position.
 - c. Course or class is not available internally.
 - d. Course or class time is not work time and the class schedule should not be in conflict with working hours unless the supervisor agrees to a modified work schedule to accommodate the class.
 - e. Requires approvals from immediate Supervisor, Department Head, Human Resources, City Administrator and Finance.
 - f. Approval is subject to budgetary constraints and availability of funds. The Finance Director may establish a general training budget and/or training budget for departments.
 - 2. Payment.

- a. Approved reimbursements shall be made at the end of the successful completion of the class or course.
- b. Approved reimbursements shall be paid only if at the time that the payment requisition is submitted there are sufficient funds allocated to training to cover it.
- c. An employee's academic achievement in the class must be at least 80%, a grade of C or better, or pass in a pass/fail course to obtain tuition reimbursement as follows:

<u>Grade</u>	<u>Reimbursement %</u>
80%, or C	80%
90%, or B	90%
100%, or A	100%
pass	100%

- e. Employee must be employed at the time the reimbursement requisition is processed and the check is issued.

Purpose: To establish holidays observed by the City and to determine eligibility for holiday pay.

HR-4-03. Holidays.

- A. City service holidays. Holidays shall be observed on the day they occur unless the Holiday falls on a Saturday, at which time the Holiday will be observed the Friday preceding it, and if the Holiday falls on a Sunday, it will be observed the following Monday. The City observes 10 holidays as follows:
 - 4. January 1, "New Year's Day".
 - 5. Third Monday in January, "Martin Luther King, Jr./Civil Rights Day".
 - 6. Third Monday in February, "Lincoln/Washington Presidents' Day".
 - 7. Last day of March, "Cesar Chavez Day".
 - 8. Last Monday in May, "Memorial Day".
 - 9. July 4, "Independence Day".
 - 10. First Monday in September, "Labor Day".
 - 11. Second Monday in October, "Columbus Day".
 - 12. November 11, "Veterans Day".
 - 13. Fourth Thursday in November, "Thanksgiving Day".
 - 14. December 25, "Christmas Day"
- B. Employees scheduled to work. An employee who is regularly scheduled to work on a day on which one of the holidays listed in subsection (A) above is observed is entitled to be absent with pay for the number of hours regularly scheduled to work, not to exceed 8 hours for employees working a 7-day work week, unless required to work to maintain essential City services.
- C. Employees not scheduled to work. An employee, excluding seasonal, temporary, emergency, and part-time employees, who is not scheduled to work on a day on which one of the holidays listed in subsection (A) above is observed shall receive holiday compensation for the number of hours normally worked per day, not to exceed eight for employees working a seven-day work week, provided the employee is not on leave without pay on the employee's work days immediately preceding or following the day on which the holiday is observed.
- D. Employees required to work. An employee who is required to work on a day on which a holiday listed in subsection (A) of this section is observed shall receive both holiday compensation and 1 1/2 hour of pay at the current salary rate for each hour worked. Holiday hours shall not be counted as hours worked for purposes of determining overtime or compensatory leave.
- E. Holiday compensation for employees working a seven-day workweek.
 - 15. Seasonal, temporary, and emergency employees do not receive holiday compensation and shall receive one hour of pay at the current salary rate for each hour worked during a holiday.
 - 16. An employee may not receive more than 8 hours of holiday compensation for any holiday if the employee works a 7-day work period.
- F. Holiday compensation for employees working a 28-day work period.

1. Employees working a 28-day period shall receive holiday leave at the rate of ten and six tenths (10.6) per holiday or a maximum of one hundred six (106) hours per calendar year. Observed holidays will be normal workdays for CSL firefighters the 10.6 hours will be accrued to a leave bank. Firefighters may use their leave at any time so long as their leave is requested by a supervisor or department head. On the final pay period of each fiscal year any hours that remain in the individual firefighters leave bank shall be paid out.

Purpose: To establish eligibility, accruals and payment for vacation leave.

HR-4-04. Vacation Leave.

- A. Definition. "Vacation leave" means a period of approved absence with pay that is not chargeable to another category of leave.
- B. Accrual.
 - 1. All employees except temporary, emergency, and seasonal employees shall accrue vacation leave in accordance with the following schedule:

VACATION LEAVE	Employees on 7-Day Work Periods	Employees on 28-Day Work Periods
Credited service	Hours accrued biweekly	Hours accrued biweekly
Fewer than 6 years	3.08	4.08
6 years but fewer than 11 years	4.62	6.12
11 years or more	6.16	8.15

- 2. There are caps on accruals. Employees on a 7-day work period with fewer than six years may accrue a maximum of 160 hours; employees with 6 years but fewer than 11 may accrue a maximum of 240 hours; employees with 11 years or more may accrue a maximum of 320 hours. Employees on a 28-day work period with fewer than 6 years may accrue a maximum of 211.64 hours; employees with 6 years but fewer than 11 may accrue a maximum of 318.24 hours; employees with 11 years or more may accrue a maximum of 423.8 hours. Once maximum leave is accrued, accrual will cease until maximum accrual level is reduced below maximum level. Employees are encouraged to take vacation at least annually.
 - 1. Temporary, emergency, seasonal, and part-time employees shall not accrue vacation leave.
 - 2. Eligible employees accrue vacation leave on the last day of each biweekly pay period if the employee is in a pay status for at least 1/2 of the scheduled work hours in that pay period.
 - 3. Original probationary employees accrue vacation leave from their date of hire but may not take vacation leave during the first 6 months following the date of hire. If an original probationary employee is terminated, the employee shall be paid for all accrued vacation.
 - 4. The effective date for change in the accrual rate is the 1st day of the pay period immediately following the attainment of the required credited service.
- C. Credited service.

5. Credited service shall be calculated from the first day of the first complete pay period worked.
6. Credited service shall include:
 - g. Any period of leave without pay of 240 hours or less;
 - h. Approved Family Medical Leave Act (FMLA) leave;
 - i. Military leave taken under A.R.S. §§ 26-168, 26-171, or 38-610; and
 - j. Active military service of an employee who is restored to City service.
- D. Accumulation. An employee will stop accumulating leave once they reach their maximum.
- E. Use of vacation leave. An employee may take vacation leave at any time approved by the Department Head. The City may, in its discretion, advance vacation leave pay to an employee.
- F. Payment.
 7. Vacation leave shall be paid according to regular payroll procedures on a regular payday.
 8. If a holiday falls within an employee's vacation period, the holiday shall be paid as holiday pay and not as vacation.
 1. Vacation pay does not count toward hours worked for purposes of calculating overtime.
 9. Worked hours plus vacation hours shall not exceed 40 hours or the regular number of hours of an employee's workweek.
 10. Any combination of hours worked, vacation, sick leave or any other leave may not exceed 40 hours or the regular number of hours that an employee works.
 11. To determine how many hours of available vacation to pay in the presence of other leave, payroll shall pay for all hours worked, all other available and eligible leave, and then, if needed, the number of hours of available vacation not to exceed a total of 40 hours or the number of regular scheduled hours in a work period.
- G. Separation. The City shall pay an employee who separates from the City for all unused and un-forfeited vacation leave at the employee's current rate of pay.

Purpose: To establish eligibility, accruals and payment for sick leave.

HR-4-05. Sick Leave.

- A. Accrual.
 - 1. Full-time employees.
 - a. All full-time employees shall accrue sick leave at the rate of 3.69 hours per pay period for employees with a regular work period of 7 days, and at the rate of 4.89 hours per pay period for employees with a regular work period of 28 days.
 - b. Accrued sick leave is credited on the last day of the pay period in which earned, provided the employee has been in a pay status for at least $\frac{1}{2}$ of the employee's working days in that pay period. A full-time employee who does not work at least $\frac{1}{2}$ of the employee's working days in a pay period will accrue sick leave at the rate of one hour of sick leave for every 30 hours worked in that period. For example, if a full-time employee, who typically works 80 hours in a pay period works 30 hours in the pay period, the employee would receive one hour of sick leave. If that same employee works 15 hours in a pay period, the employee would receive 0.5 hours of sick leave.
 - c. The maximum number of hours of sick leave that any full-time employee may accumulate is 360 hours. Sick leave earned after reaching the maximum will be converted to vacation at a rate of 1 hour of vacation for every 3 hours of sick leave up to the maximum vacation accrual.
 - 2. Part-time, seasonal, temporary, and emergency employees.
 - d. Part-time, seasonal, temporary, and emergency employees shall accrue one hour of sick leave for every 30 hours worked, up to 40 hours in a fiscal year. Accrual begins on the date of appointment; however, part-time, seasonal, temporary, and emergency employees may not use sick leave for the first 90 days of employment.
 - e. All sick leave accrued by part-time, seasonal, temporary, and emergency employees will be considered Paid Sick Time ("PST"), as discussed below. Any accrued, unused PST, up to 40 hours at the end of a fiscal year, shall be rolled over to the following year; however, part-time, seasonal,

temporary, and emergency employees may only use 40 hours of PST per fiscal year.

- B. Paid Sick Time ("PST"). The first 40 hours of sick leave taken in a year by any employee will be counted as PST under A.R.S. § 23-371, et seq.
1. PST may be used for the purposes set forth in A.R.S. § 23-373, including:
 - f. An employee's mental or physical illness, injury, health condition, or actual or potential exposure to a communicable disease;
 - g. To care for a family member's mental or physical illness, injury, health condition, or actual or potential exposure to a communicable disease;
 - h. An employee's or a family member's need for medical diagnosis, treatment, or preventative care;
 - i. Certain public health emergencies; and
 - j. Absence due to domestic violence, sexual violence, abuse, or stalking involving an employee or a family member.
 2. Except as otherwise set forth herein, for purposes of this policy, a "family member" is defined as set forth in A.R.S. § 23-371.
 3. PST (and all other paid leave) will run concurrently with Family and Medical Leave Act ("FMLA") leave if the leave qualifies as FMLA leave.
- C. Sick Leave Upon Exhaustion Of PST. Upon exhaustion of PST, full-time employees may use sick leave for:
1. The employee's illness or injury, which renders the employee unable to perform the duties of the position.
 2. The employee's examination or treatment by a licensed health care practitioner.
 3. The employee's family member's illness, injury, examination, or treatment by a licensed health care practitioner, which shall not exceed 40 hours per fiscal year, except in the case of FMLA leave (in which case, the definitions, including the definition of "family member", and the reasons for leave set forth in the FMLA, as per HR-4-11, shall apply).
- D. Use Of Sick Leave.
1. An employee may take paid sick leave when approved by the Supervisor and Human Resources.
 2. An employee on sick leave, including PST, may be required, after being absent for three consecutive work days, to provide documentation verifying the need for leave.
 3. In certain circumstances, Human Resources may require an employee to be examined by a licensed health care practitioner designated by Human Resources. If the licensed health care practitioner determines that the employee should not work due to illness or injury, Human Resources may place the employee on sick leave or, if the employee's sick leave is exhausted, on vacation leave, or on leave without pay. Human Resources may require the employee to obtain approval from the licensed health care

practitioner prior to returning to work. The City shall pay for all examinations required pursuant to this subsection. The employee shall not be charged any leave while participating in or traveling to or from any examination required pursuant to this subsection.

E. Donation of Sick Leave.

1. Definitions "Extended illness or injury" means a period of at least three consecutive weeks in which the employee is medically unable to work and the employee's absence is covered under FMLA, or the employee otherwise qualifies for a serious health condition as stated in HR-4-11.
2. Eligibility.
 - a. A full-time employee may donate sick leave to another full-time employee who has no accumulated paid leave if:
 - i. The donating employee has a sick leave balance exceeding 120 hours. Only sick leave hours exceeding 120 will be available for donation.
 - ii. The recipient employee will use the donated sick leave for the recipient's own extended illness or injury.
 - iii. A recipient employee may use a maximum of two consecutive months of donated leave (320 hours for employees working 40 hours per week or 424 hours for employees with work periods of 212 hours) in a 12-month period, which shall be the same as the 12-month period used by the City for FMLA purposes. The eligibility to receive donated leave shall terminate upon employee's receipt of Long-Term Disability benefits.
 - iv. The illness or injury is not under workers' compensation.
 - v. Recipients' donation-leave requests must be approved by Human Resources and are contingent upon availability of financial funding.
 - vi. Before using donated sick leave, a recipient employee with a qualifying illness or injury shall exhaust all available compensatory, sick, and vacation leave.
3. Donation of sick leave is voluntary. Human Resources will establish procedures for donating leave and eligibility for recipients.
4. If the recipient employee separates from City service, recovers before using all donated leave, or the need for the donated leave is otherwise abated, the City shall return unused leave to contributors on a prorated basis.
5. No leave accrual will occur for recipient employees receiving payment entirely from donated sick leave.
6. Hours donated will be applied on an hour by hour basis.

F. Separation from Employment.

1. Sick leave, including PST, will not be paid out upon separation from City service except as otherwise provided by law.

2. If a full-time employee is laid off due to a reduction in force and is re-hired within one year from the separation date, he or she will be credited with all unused sick leave at the time of separation.
3. If any employee separates from City employment for any reason and is re-hired within nine months from the separation date, unused, accrued PST will be reinstated. Upon rehire, employees will be eligible to use any reinstated sick leave immediately.

Purpose: To establish use of available leave benefits and health benefit plan participation for employees under workers' compensation leave.

HR-4-06. Workers' Compensation Leave.

- A. Use of leave.
 - 1. Human Resources shall place an employee who sustains a job-related disability that is compensable under the Workers' Compensation Law, A.R.S. Title 23, Chapter 6 on 2.66 hours or 33% hours of available sick leave per day.
 - 2. If an employee exhausts all sick leaves and does not request annual or compensatory leave, or has exhausted annual or compensatory leave, Human Resources Director shall place the employee on leave without pay.
 - 3. If an employee is on leave under the Worker's Compensation laws and that leave qualifies for Family Medical Leave Act (FMLA) leave, the leave shall count as FMLA leave. Human Resources shall apply industrial leave and FMLA concurrently.
- B. Reporting. All industrial injuries and illnesses must be reported to the immediate supervisor. Human resources shall keep records of industrial injuries, report to appropriate agencies, and assign employees to modified or light duty.
- C. Payments.
 - 4. An employee shall use leave in an amount necessary to receive total payments (leave payments plus Workers' Compensation payments) that do not exceed the gross salary of the employee. See A (1) in this section.
 - 5. If an employee receives a retroactive Workers' Compensation payment for any period of industrial illness or injury for which leave payments were received, the employee shall reimburse the City for Workers' Compensation payments that exceed 100% of the employee's base pay before the illness or injury, and the City shall restore the equivalent value of leave to the employee's appropriate leave account.
- D. Light duty. If an employee has a job-related permanent or temporary disability that impairs performance on the current or former job, Human Resources shall make every effort to place the employee in a suitable position or in a temporary position or task that the employee can reasonably be expected to successfully perform given his light-duty restrictions, disability, education, and experience. However, the City will never create a permanent position for an employee that cannot perform the essential functions of his/her job with or without reasonable accommodations.
 - 1. Human Resources Director shall obtain the consent of the Department Head where the employee is to work in modified or light duty, which may or may not be the department or position where the employee was working prior to the industrial injury or illness.

2. For temporary assignments or tasks, an employee in modified duty shall be paid at the current rate of pay, and for permanent transfers to suitable positions, the employee shall be paid according to these rules.
 6. The City shall observe any applicable ADA considerations as mandated by law.
- E. Restriction. Human Resources shall not grant sick leave or leave without pay to an employee who fails to accept compensation available under the industrial injury and disease provisions of A.R.S. §§ 23-901 to 23-1091.
- F. Health benefit plan participation.
7. An employee who is on leave without pay due to an industrial illness or injury may continue to participate in the health benefit plan for the employee and the employee's eligible dependents for a maximum of 6 months from the date of illness or injury by paying the employee contribution, if any.
 8. At the end of the 6-month period, an employee who remains on leave without pay due to industrial illness or injury may continue to participate in the health benefit plan for the employee and the employee's eligible dependents by paying COBRA.
- G. Life insurance plan participation. An employee who is on leave without pay due to an industrial injury or illness continues to participate in the basic life and accidental death and dismemberment insurance plan for the employee without cost for 6 months after the month in which the illness or injury occurs. During this time, the employee may continue supplemental life and dependent life coverage that were in effect at the start of the leave by paying the applicable premium.
- H. Termination. The insurance coverage of an individual on leave without pay who fails to pay insurance premiums or contributions when due shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.
- I. Accrual of leave. An employee shall continue to receive full leave accrual as long as the employee uses 2 or more hours of paid leave each day.

Purpose: To establish policy for civic duty leave.

HR-4-07. Civic Duty Leave.

- A. General. Upon substantiated application, an employee shall receive absence with pay as civic duty leave while serving as a juror, complying with a subpoena, voting, or serving as a member of a governmental board, commission, or similarly constituted governmental body.
- B. Use of civic duty leave. Except for voting pursuant to A.R.S. § 16-401 (primary elections) or A.R.S. § 16-402 (general elections), an employee granted civic duty leave shall report for duty whenever the employee's presence is not required for the civic duty, unless:
 - 17. The distance to the work location would preclude timely reporting for the civic duty; or,
 - 18. The employee cannot return to work at least 1 hour before the end of the workday.
- C. Appearance as a witness. An employee who is subpoenaed as a witness by any court, administrative, executive, or judicial body in this state may be absent with pay unless the testimony or evidence to be given relates to the employee's commercial, business, or personal matters.
- D. Jury duty pay. Employees who are granted civic duty leave when called for jury duty or subpoenaed, as a witness shall remit any monies paid to them to the City, except for mileage allowance. The Finance Director may elect to deduct such monies paid to an employee called to serve as a juror or witness from the employee's paycheck instead of asking the employee for reimbursement.
- E. Membership on a public service body. An employee serving as a member of a governmental board, commission, or similarly constituted governmental body may be absent with pay while performing official duties with the public service body.

Purpose: To establish policy for military leave.

HR-4-08. Military Leave.

- C. General. An employee who requests absence with pay on military leave under A.R.S. § 26-168, 26-171, or 38-610 shall submit a copy of the orders for duty with the request for military leave. An employee may be absent with pay for military purposes for up to 30 workdays in any 2 consecutive fiscal years.
- D. An employee in military leave with pay shall continue to receive all accrual benefits as if he was working for the City. Military leave with pay shall not be charged against vacation, sick leave, or any other leave.
- E. Military personnel shall be reinstated according to 38 USC 4301 (USERRA of 1994).

Purpose: To establish the authority of the City to place an employee in administrative leave.

HR-4-9. Administrative Leave.

- F. The City Administrator may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Mayor or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment.
- G. The City may grant paid or unpaid administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.
 - 12. A supervisor or Department Head may authorize up to one workday of administrative leave pending an investigation and notification to Human Resources.
 - 13. Human Resources Director may authorize 5 days or less of paid or unpaid administrative leave.
 - 14. The City Administrator may authorize longer periods of paid or unpaid administrative leave.

Purpose: To create a policy for bereavement leave to help an employee grieve the death of a close relative.

HR-4-10. Bereavement Leave.

- H. Bereavement leave is paid leave for up to 24 regularly scheduled work hours due to the death or funeral of a spouse, natural child, adopted child, foster child, stepchild, natural parent, stepparent, adoptive parent, one who functioned "in loco parentis", grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law.
- I. Bereavement leave is a separate leave from other types of leave and is only earned when requested and approved due to the death and funeral of a qualifying relative as described in (A).
 - 15. Bereavement leave may only be used during the actual days of absence immediately following the qualifying event and does not count toward time worked for purposes of overtime.
 - 16. Time worked, bereavement leave, and other combination of leaves may not exceed 40 hours or the regular number of hours of a workweek.
 - 17. The supervisor or Human Resources Director may request evidence of eligibility to grant bereavement leave.

Purpose: To define eligibility for serious health condition leave and the administration of the leave and of FMLA.

HR-4-11. Leave for Serious Health Condition.

- A. FMLA Leave (employee’s own medical condition). If an employee's condition qualifies as a serious health condition under FMLA, the employee may take a maximum of 12 weeks of leave in the following order:
 - 19. The employee shall use all accrued sick leave;
 - 20. The employee shall then use all accrued vacation leave;
 - 21. If the employee exhausts all accrued sick and vacation leave, the City shall grant medical leave without pay; and
 - 22. The provisions of the FMLA shall govern return to work from leave without pay granted to complete an FMLA-qualified leave.
- B. Leave not qualified under FMLA. The City Administrator may grant an employee leave for serious health condition of an employee, the employee’s spouse, or the employee’s children when the employee does not qualify under FMLA as follows:
 - 23. Leave may not exceed 12 weeks in a 12-month period and shall run concurrent with sick leave, vacation leave, and any other leave authorized for the same reason or illness.
 - 24. FMLA rules to determine serious health condition for employee, spouse, and children shall apply only for purposes of determining if the serious health condition qualifies for the leave.
 - 25. An employee must be in pay status for more than 26 weeks during the last 12 months.
 - 26. Employee must exhaust all paid leave available before going into unpaid leave.
 - 27. An employee’s position may not be replaced during the duration of the leave for serious health condition and if the position is not available at the end of the leave, the employee may be laid off due to a reduction in force.
 - 28. The maximum amount of leave granted for one or more periods of absence due to one or more illnesses for employee, spouse, and children shall not exceed 12 weeks in a 12-month period.
 - 29. If an employee does not return at the expiration of the leave, the employee may be separated without prejudice.
- C. FMLA Leave (employee’s family member’s medical condition). If an employee's leave qualifies for FMLA leave to care for a family member with a serious health condition:
 - 30. The employee may use any sick leave available;
 - 31. The employee then shall use all accrued vacation leave;
 - 32. If the employee exhausts all available sick and accrued vacation leave, the City shall grant leave without pay; and

4. The provisions of the FMLA, not the provisions of these rules, shall govern;
 18. return to work from leave without pay granted to complete an FMLA-qualified leave.
- D. Compensatory time. An employee may use accrued compensatory time for an FMLA qualified leave.
 - E. Leave without pay. Leave without pay granted for an FMLA-qualified leave runs concurrently with FMLA leave.
 - F. Counting FMLA leave. To determine the maximum leave available under FMLA, include all leave time granted that qualifies as FMLA leave.
 - G. Health benefit plan participation. An employee who is on FMLA leave is eligible to participate in the health benefit plan. The City contributes the same premium amount for health insurances as when the employee was in working status.
 - H. Life insurance plan participation. An employee who is on FMLA leave without pay:
 19. Continues to participate in the Basic Life Insurance Plan; if available. The City contributes the same premium amount for Basic Life Insurance Plan, if available, and
 20. May continue to participate in the supplemental life, dependent life insurance, and supplemental insurance coverage, if available, by paying the full premium.
 - I. Return from FMLA. An employee on FMLA leave should contact Human Resources 2 weeks in advance to advise of his intentions to return to work. The employee shall provide a release to work from the employee's doctor to Human Resources prior to his return date.
 21. An employee shall not be allowed to return to work from FMLA due to a personal illness or disability without a release to work from the employee's doctor.
 22. An employee must be able to perform the essential functions of his position in order to return to work.
 23. An employee released to modified work, limited hours, light duty, or restricted work, for injuries or illnesses not directly related to work or not covered under Workers' compensation shall not be allowed to return to work unless the employee can perform the essential functions of his position.
 24. An employee who does not return or is unable to return at the expiration of the FMLA leave may be terminated without appeal rights unless the City determines that additional leave would constitute a reasonable accommodation under the specific circumstances.
 - J. Conflict. If there is a conflict between the provisions of these rules and the FMLA or the ADA, the provisions of the FMLA and ADA govern.

Purpose: Establish authority to grant leave without pay and limit the circumstances under which the City may grant leave without pay.

HR-4-12. Leave without Pay.

- J. Approval. All leave without pay in excess of 40 consecutive hours requires a written request by an employee in advance and approval by the City Administrator. Approval of leave without pay for FMLA or for serious health condition per HR-4-11(B), military, or civic duty leave does not require the approval of the City Administrator. Leave without pay in excess of 40 consecutive hours shall be for extenuating circumstances and in the discretion of the City Administrator in the best interest of the City. Total leave paid and unpaid shall not exceed 26 weeks, unless otherwise provided by law.
- K. Documentation of leave. A request for leave without pay in excess of 40 consecutive hours shall include the beginning date of the leave without pay, the reason for the request, the anticipated date of the return to work, and the signatures of Department Head, Human Resources Director, Finance Director, and City Administrator.
- L. Use of leave. Except for military leave, or leave granted to forestall a reduction in force, the City Administrator shall not grant leave without pay in excess of 40 consecutive hours until all accrued paid leave and, if the leave without pay is for medical reasons, sick leave are exhausted.
- M. Return to work.
 - 25. An employee who returns to work after a period of leave without pay of 80 consecutive hours or less shall return to the same position occupied at the start of the leave without pay.
 - 26. Except as provided in subsection (D)(4), an employee who returns to work after a period of leave without pay in excess of 80 consecutive hours is entitled to return to a position in the class and pay grade held at the start of the leave without pay, if a position is available and funded, and if the leave without pay is terminated in one of the following ways:
 - k. Expiration of its term and the employee's return to work;
 - l. Rescission of the leave without pay by the City Administrator before its scheduled expiration, due to an unforeseen need that results in an insufficient number of employees available to provide service for which:
 - i. Human Resources shall provide written notice of the rescission to the employee's last known address at least 15 days before the date the employee is directed to return to work; or
 - ii. If circumstances beyond the City's control do not permit at least a 15-day notice, the City shall provide notice as soon

11:59 p.m. on the last day of the period covered by the last premium or contribution paid.

Purpose: To define qualifying and other insurance plans that may be available to covered employees.

HR-4-13. Insurance Plans.

- A. Designation of qualifying health care plans. The following types of plans are qualifying health care plans:
 - 1. Medical Insurance.
 - 2. Dental Insurance.
 - 3. Vision Insurance.
- B. Designation of other qualifying insurance plans. Other qualifying insurance plans are:
 - 29. Life Insurance.
 - 30. Short-term Disability Income Insurance.
 - 31. Long-term Disability Income Insurance.
 - 32. Supplemental Insurance.
- C. City Insurance Plans. The City may or may not offer all or any of the qualifying health care and other insurance plans.
- D. Complaints. An employee who wishes to submit a complaint about an employee insurance plan shall contact Human Resources.

Purpose: To establish appointment eligibility and conditions required to join, or make changes to a health insurance plan.

HR-4-14. Health Benefit Plan.

- A. Eligibility.
 - 9. All City employees, except those listed in subsection (A)(2), and their eligible dependents may participate in the health benefit plan, if they comply with the contractual requirements of the selected health benefit plan. An eligible employee may enroll in a health benefit plan at any time within the first 30 days of employment or during an open enrollment period specified by the Plan. An eligible employee may submit an application for enrollment within 31 days of a family status event.
 - 10. The following categories of employees are not eligible to participate in the health benefit plan:
 - m. An employee who works fewer than 31 hours per week;
 - n. An employee in a temporary, emergency, or seasonal position;
- B. Eligibility exception. An employee who is on leave without pay may continue to participate in the health benefit plan under the conditions in:
 - 11. HR-4-06 for employees on leave without pay due to industrial illness or injury;
 - 12. HR-4-11 for employees on medical or FMLA leave without pay; or
 - 13. HR-4-12 for employees on leave without pay for any other reason.
- C. Dependent eligibility. Dependents eligible to participate in the health benefit plan include an employee's spouse and each qualifying child as defined in the Health Benefit Plan.
- D. Enrollment of dependents. An eligible employee may enroll eligible dependents at the time of the employee's original enrollment, within 31 days of a family status event, or at open enrollment.

Purpose: To define eligibility for employee participation in life insurance and short-term disability income insurance plans.

HR-4-15. Life Insurance, Disability Income Insurance Plans, and Retirement Plans.

- A. Eligibility.
 - 33. All City employees, except those listed in subsection (A)(2), may participate in the life insurance, disability income insurance plans, and retirement plans, if the plans are available to City employees.
 - 34. Safety personnel, fire and police employees, shall participate in the Public Safety Personnel Retirement System, and all other eligible City employees shall participate in the Arizona State Retirement System.
 - 35. The following categories of employees are not eligible to participate in the life insurance, disability income insurance, and retirement plans:
 - o. An employee who works fewer than 31 hours per week;
 - p. An employee in a temporary, seasonal, or emergency position;
- B. Supplemental insurance coverage. In addition to the basic life insurance provided at no cost to an employee, an eligible employee may elect to purchase additional group life insurance according to the amounts and rates specified in the insurance plan, if supplemental coverage is available.
- C. Dependent coverage. An eligible employee may elect to purchase group life insurance for the employee's spouse and each qualifying child in an amount established in the insurance plan, if dependent coverage is available.
- D. Disability coverage. The monthly benefit paid under the disability portion of a plan provided might be reduced by other payments the employee receives or is eligible to receive in the same month as determined by the terms and conditions of the plan.