
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: April 7, 2005

SUBJECT: Changes to the Golf Employees Compensation Plan

AFFECTED COUNCIL DISTRICTS: City-wide

STAFF REPORT BY: Jennifer Bruno, Budget & Policy Analyst

**ADMINISTRATIVE DEPT.
AND CONTACT PERSON:** Vic Blanton, Classification and Compensation Program Mgr

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to alter the Golf Employees Compensation Plan, and adopt a new "Golf Series" compensation plan.
- B. Key points from the Administration's transmittal and Planning staff report are summarized below:
- a. The City's golf employees generally work 9 months of the year, and are paid on an hourly basis.
 - b. To provide for continued income during the off-season, employees log and accumulate overtime hours in order to continue to be compensated during the off season.
 - i. Under the current compensation structure, they receive 1 ½ times their regular wage for overtime hours.
 - ii. The Fair Labor Standards Act (FLSA) extends to recreation establishments an exemption from the requirement to pay employees overtime at 1 ½ times their regular rate. The proposed compensation plan would allow the City to take advantage of this exception, which under the current pay structure it does not.
 - c. The proposed compensation plan would pay golf employees on an annual salary basis rather than an hourly basis.
 - i. The annual salary would be determined by "annualizing" their base hourly wage (multiplying the hourly wage by 2,080). This structure is more similar to the way schoolteachers are compensated (annualized salary for 9 months of work).
 - ii. They would receive the standard 26 paychecks that all City employees receive, in a wage schedule depicted in Appendix A of the transmittal (replicated at the end of this staff report). Wage rates are classified by 30 different grade classifications, each of which has a minimum and a maximum.
 - iii. The workweek is defined as 7 days. The golf season is defined in the proposed compensation plan as March 1st through November 30th.

- iv. If employees are called to work either before or after the “normal” season, the proposed compensation plan provides an additional \$400 per month, as long as more than 10 days are worked during the subject month.
 - v. In most other respects, the provisions of the plan are borrowed from the compensation plan for the 300 and 600 series, except that holiday accruals, vacation, personal and sick leave are scaled back to 9/12ths of the usual rate for City employees.
- d. The Administration has indicated that this plan has golf employees’ general acceptance, and that the following has been said regarding the current and proposed compensation plan:
- i. Employees have indicated that keeping track of this overtime is somewhat stressful, as it is not automatically kept track of and logged.
 - ii. Rainy days during the season are more stressful, as they can result in lower paychecks that are hard to plan for.
 - iii. The stability and predictability of a stable, year-round paycheck is enough of an incentive to offset the relative money lost.
 - iv. The single employee who spoke against the plan at a formal council meeting in February of 2005, has since been apprised of the compensation plan details, and is now in support of the change.
- C. The proposed compensation plan change would affect 43 employees.

MATTERS AT ISSUE/POTENTIAL QUESTIONS FOR ADMINISTRATION:

The Council may wish to ask of the Administration if there are other examples of this type of pay structure across the country, and how those compensation plans have fared.

BUDGET IMPACT :

It is anticipated that the proposed compensation plan would save the City money over the long term, due to the elimination of overtime payment costs.

cc: Sam Guevara, Rocky Fluhart, Ed Rutan, Lynn Pace, Rick Graham, Kevin Bergstrom, Vic Blanton, Wendee Packwood, Brenda Hancock, Marge Harvey, Sylvia Jones, Jan Aramaki, Lehua Weaver, Gwen Springmeyer, Cindy Gust-Jenson, Gary Mumford, DJ Baxter

Appendix A - Golf Employees Compensation Plan
 Bi-Weekly Wage Rates
 Effective April 10, 2005

Grade	Minimum	Midpoint	Maximum
G01	\$ 916.00	\$ 1,151.20	\$ 1,387.20
G02	\$ 957.60	\$ 1,176.00	\$ 1,394.40
G03	\$ 1,001.60	\$ 1,252.80	\$ 1,504.00
G04	\$ 1,048.00	\$ 1,315.20	\$ 1,582.40
G05	\$ 1,096.00	\$ 1,372.80	\$ 1,649.60
G06	\$ 1,146.40	\$ 1,433.60	\$ 1,720.80
G07	\$ 1,204.80	\$ 1,507.20	\$ 1,808.80
G08	\$ 1,252.00	\$ 1,564.80	\$ 1,877.60
G09	\$ 1,308.00	\$ 1,635.20	\$ 1,962.40
G10	\$ 1,368.00	\$ 1,709.60	\$ 2,052.00
G11	\$ 1,431.20	\$ 1,791.20	\$ 2,150.40
G12	\$ 1,530.40	\$ 1,936.80	\$ 2,343.20
G13	\$ 1,597.60	\$ 2,023.20	\$ 2,448.80
G14	\$ 1,672.00	\$ 2,116.00	\$ 2,560.00
G15	\$ 1,745.60	\$ 2,210.40	\$ 2,674.40
G16	\$ 1,283.20	\$ 1,604.80	\$ 1,925.60
G17	\$ 1,340.00	\$ 1,675.20	\$ 2,011.20
G18	\$ 1,400.80	\$ 1,748.80	\$ 2,096.80
G19	\$ 1,511.20	\$ 1,888.80	\$ 2,266.40
G20	\$ 1,530.40	\$ 1,913.60	\$ 2,296.00
G21	\$ 1,598.40	\$ 1,998.40	\$ 2,399.20
G22	\$ 1,648.00	\$ 2,135.20	\$ 2,622.40
G23	\$ 1,755.20	\$ 2,264.00	\$ 2,773.60
G24	\$ 1,844.80	\$ 2,380.80	\$ 2,916.00
G25	\$ 1,964.80	\$ 2,555.20	\$ 3,145.60
G26	\$ 2,044.80	\$ 2,660.80	\$ 3,276.80
G27	\$ 2,152.80	\$ 2,777.60	\$ 3,402.40
G28	\$ 2,319.20	\$ 2,992.00	\$ 3,664.80
G29	\$ 2,452.80	\$ 3,165.60	\$ 3,877.60
G30	\$ 2,694.40	\$ 3,476.80	\$ 4,258.40

COUNCIL TRANSMITTAL

TO: Rocky J. Fluhart,
Chief Administrative Officer

DATE: March 23, 2005

FROM: Brenda Hancock, Human Resource Director

SUBJECT: Golf Employees Compensation Plan

STAFF CONTACT: Vic Blanton, Classification and Compensation Program Mgr., 535-6026

BUDGET IMPACT: If the City Council approves adoption of this proposed new plan, Administration believes that a savings in personnel costs will occur over the long term due to the elimination of overtime payment costs.

RECOMMENDATION: That the City Council approve adoption of the proposed new compensation plan for golf employees.

BACKGROUND AND DISCUSSION:

The City's golf employees generally work 9 months out of each year. Presently, they log and accumulate overtime hours during the season at 1 ½ times their regular wage rate in order to continue income during the off-season. The number of accumulated hours necessitated and allowed under this system exceeds the limit established by the Fair Labor Standards Act (FLSA). Therefore, besides being administratively unwieldy, the system may subject the City to liability related to FLSA violations. FLSA extends to qualified recreation establishments an exemption from the requirement to pay employees overtime at 1 ½ times their regular rate. Adoption of the proposed new compensation plan would permit the City to take advantage of this exemption.

The proposed new pay approach, which has the support of the Citizens Compensation Advisory Committee as well as the golf employees' general acceptance, would replicate the method used to pay school teachers. That is, the seasonal golf employees would be paid an annual salary, spread over the usual 26 pay periods per year. The annual salary would be based on their current base wage rate. If employees are called upon to work beyond the normal season, the design calls for an additional \$400 per month, provided more than 10 days are worked during the subject month. Otherwise, payment of the annual salary comes with the expectation that all individuals will be subject to call if needed.

In most other respects, the provisions of the plan are borrowed from the compensation plan for 300 Series and 600 Series employees. An exception is that vacation, personal or sick leave, and holiday accruals are scaled back to 9/12ths of the usual rates for City employees—based on the golf employee's normal work schedule of 9 months.

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Approving the Compensation Plan
for "Golf Series" Recreational Employees
of Salt Lake City)

AN ORDINANCE APPROVING A COMPENSATION PLAN FOR "GOLF
SERIES" RECREATIONAL EMPLOYEES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. PURPOSE. The purpose of this Ordinance is to approve the attached
Compensation Plan for Salt Lake City Corporation "Golf Series" Recreational
Employees. Three copies of said Compensation Plan shall be maintained in the City
Recorder's Office for public inspection.

SECTION 2. APPLICATION. The Compensation Plan shall not apply to
employees whose employment terminated prior to the effective date of this Ordinance.

SECTION 3. EFFECTIVE DATE. The Ordinance shall be deemed effective on
April 10, 2005.

Passed by the City Council of Salt Lake City, Utah this _____ day of
_____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 28 MARCH 2005
By *J. Owsen*

(SEAL)

Bill No. _____ of 2005.

Published: _____.

COMPENSATION PLAN FOR SALT LAKE CITY CORPORATION "GOLF SERIES"
RECREATIONAL EMPLOYEES

I. EFFECTIVE DATE

The provisions of this plan shall be effective, commencing April 10, 2005.

II. EMPLOYEES COVERED BY THIS PLAN

Employees subject to this plan shall be City employees classified as "Golf Series" recreational employees. Employees are not covered by the paid leave and longevity payment provisions of this plan while they are on unpaid leave of absence. However, employees on an unpaid military leave of absence may be entitled to the restoration of certain leave and longevity benefits upon their return to City employment.

III. WAGES AND SALARIES

A. Determination.

1. To the degree that funds permit, employees classified as "Golf Series" recreational employees shall be paid compensation that:
 - a. Is commensurate with the skills and abilities required of the position.
 - b. Is competitive with the compensation paid by other public and private employers with whom the City competes for personnel recruitment and retention.
2. Compensation surveys, which are used to determine comparability, shall include a reasonable cross section of comparable benchmark positions in organizations with whom the City competes for personnel recruitment and retention.
3. Compensation surveys shall measure total compensation including salaries and wages, paid leave, group insurance plans, retirement, and all other benefits.
4. The compensation plans may provide salary range widths that reflect the normal growth and productivity potential of employees within a job classification.
5. The Mayor shall develop policies for the administration of the pay plans.
6. The pay administration policies may provide for annual salary adjustments which, subject to availability of funds, generally reflect the practices of private enterprise to allow for faster salary growth in the bottom half of pay ranges, and slower growth in the upper half, as warranted by maturity of job skills within a job classification and satisfactory performance of job duties and responsibilities.

APPROVED AS TO FORM

Salt Lake City Attorney's Office

Date 28 MARCH 2005

By [Signature]

B. Schedules.

1. Employees shall, for purposes of this compensation plan and its wage schedules, be referred to as recreational employees, whom the City considers as exempt from the overtime requirements of the Fair Labor Standards Act (FLSA). The recreation season for golf will be defined as all golf course operations between March 1st through November 30th of each year. However, because employees are paid on an annual basis, employees in this compensation plan are required to be available for work during the year including the off season.
2. Effective March 27, 2005, Full-Time "Golf Series" recreational employees shall be paid compensation according to the wage schedule attached as Appendix "A."

- C. Other Compensation. The foregoing shall not restrict the Mayor from distributing appropriated monies to employees of the City in the form of retention incentives or retirement contributions; or special lump sum supplemental payments in recognition of weather-related emergencies, special projects or other extraordinary circumstances. Retention incentives or special lump sum payments are recommended by the department directors and are subject to the Mayor's approval. Additionally, nothing in the foregoing shall restrict the Mayor from classifying or advancing employees under rules established by the Mayor.

IV. LONGEVITY PAY

- A. Eligibility. Full-Time employees who have completed 6 full years of employment with the City, shall receive a monthly longevity benefit in the sum of \$50.00. Said benefit shall be \$75.00 per month for employees who have completed 10 full years of employment with the City. Said benefit shall be \$100.00 per month for employees who have completed 16 full years of employment with the City. Said benefit shall be \$125.00 per month for employees who have completed 20 full years of employment with the City. The computation of longevity pay shall be based on the most recent date the person became a Full-Time salaried employee.
- B. Base Pay. Longevity paid to Full-Time employees pursuant to paragraph IV.A shall be deemed included within base pay for purposes of pension contributions.
- C. The benefit under this Article IV is paid pro-rata each bi-weekly pay period, based on the most recent date the person became a salaried employee. Employees do not earn or receive longevity payments while on unpaid leave of absence. Upon return from an approved, unpaid leave of absence, longevity payments will resume on the same basis as if the employee had not been on such leave of absence.

V. EDUCATION AND TRAINING PAY

- A. Education Incentives. The Mayor may adopt programs to promote employee education and training, provided that all compensation incentives under such programs are authorized within appropriate budget limitations established by the City Council.

VI. ALLOWANCES/WAGE DIFFERENTIALS

- A. Business Expenses. City policy shall govern the authorization of employee advancement or reimbursement for actual expenses reasonably incurred in the performance of City business. Advancement or reimbursement shall be approved only for expenses documented and authorized in advance within budget limitations established by the City Council.
- B. Automobiles.
1. The Mayor may authorize, subject to the conditions provided in City policy, an employee to utilize a City vehicle on a take-home basis, and may require said employee to reimburse the City for a portion of the take-home vehicle cost as provided in City ordinance.
 2. Employees who are authorized to use, and who do use, privately owned automobiles for official City business shall be reimbursed for the operation expenses of said automobiles at the rate specified in City policy.
- C. Acting/Working out of Classification. From time to time, employees may be asked to temporarily assume some or all of the duties of a supervisor or other team member in that person's absence. Employees who feel that they are asked to perform the duties of a position in a higher classification, should discuss the matter with the person to whom they report during the temporary assignment. With guidance from the department head, said person will decide—on the basis of how much responsibility is assumed and the length of the temporary assignment—whether additional compensation is warranted. Where the department and the employee disagree on the decision, and provided the temporary assignment lasts for at least 20 working days, the employee may request a review by the Division of Human Resource Management. Compensation adjustments made under this paragraph VI.C. may be retroactive.
- D. Off Season Premium - Full-Time "Golf Series" employees designated by the CITY as recreational employees shall, if qualified as stipulated below, receive a pay differential, in addition to base pay, equal to \$400 per month for the off season (December 1st through the last day of February of each year), not to exceed \$1,200 during each fiscal year of this compensation plan. Such pay differential shall be for work related to golf operations during the off season and shall be separate from regular earnings on each employee's wage statement. If the CITY does not have enough staff during the off season, as determined by the supervisor or department head, employees shall be assigned on a monthly rotation to various golf courses on a department seniority basis with the senior employees assigned first. To be qualified for the allowance, the employee must work more than 10 working days within that month during the off season. In addition, the employee must complete and submit an approved Off-Season Project Log, listing project details and hours worked. Approved vacation shall not be considered as absent work days for purposes of determining eligibility for the allowance described in this section.

- E. Snowfighter Pay - Full-Time "Golf Series" employees designated by the CITY as members of the Snow Fighter Corps shall receive a pay differential equal to \$300 per month for the snowfighter season (November 1st to last day of February), not to exceed \$1,200 during each fiscal year of this compensation plan. Such pay differential shall be for work related to snow removal and shall be separate from regular earnings on each employee's wage statement. Employees who are qualified to operate snow-removal equipment and who work at a golf course that is closed before or shortly after the defined golf season, shall be assigned to the Snowfighter Corps. first. If the CITY does not have enough employees to staff a snowfighter crew, as determined by the supervisor or department head, employees shall be assigned on a division seniority basis with the junior employees assigned first.

Any employee otherwise qualified for the allowance, who is absent from normal scheduled work more than 10 working days in a month, shall be ineligible to receive the allowance for that month. Vacation and personal time shall not be considered as absent work days for purposes of determining eligibility for the allowance described in this article VI.E.

- F. Golf Lessons – Golf Professionals who teach golf lessons will receive additional compensation for lessons at a rate specified in the most current fee schedule. Such pay differential shall be for lessons given outside the employee's regularly scheduled shift and shall be separate from regular earnings on each employee's wage statement.

VII. HOURS OF SERVICE

- A. Hours Worked. For Full-Time "Golf Series" recreational employees, 7 days (Sunday through Saturday) shall constitute a workweek. Exceptions may be permitted with approval of the Director of Human Resource Management. Recreational employees shall commit to expending whatever time necessary within the workweek to complete all job responsibilities – during or not during the regular golf season.
- B. Rest Periods. A reasonable effort shall be made to provide breaks near the middle of each 4-hour work period; provided, however, there shall be no additional compensation paid to employees electing or required to forego such rest period.
- C. Meal Period. Employees shall be granted a lunch period during each work shift in accordance with the operational needs of the Department as determined by the shift supervisor.

VIII. HOLIDAYS AND VACATION

Full-Time employees shall receive holidays and vacation as provided in this paragraph VIII. Employees do not earn or receive holiday and vacation benefits while on unpaid leave of absence. However, employees on an unpaid military

leave of absence may be entitled to the restoration of such leave benefits, as provided by city ordinance.

A. Holidays

1. The following days shall be recognized and observed as holidays for Full-Time employees covered by this plan. Such Full-Time employees shall receive their regular rate of pay for each of the following holidays:
 - a. Memorial Day, the last Monday of May.
 - b. Independence Day, the fourth day of July.
 - c. Pioneer Day, the twenty-fourth day of July.
 - d. Labor Day, the first Monday in September.
 - e. Veteran's Day, the eleventh day in November.
 - f. Day after Thanksgiving, the fourth Thursday in November.
 - g. One personal holiday per calendar year, taken upon request of the employee and at the discretion of the supervisor. Employees are eligible for this holiday only after satisfactorily completing their initial probationary period. Approval or disapproval of the taking of this holiday shall be given no later than five (5) working days after an employee's request.
2. When any holiday listed above falls on a Sunday, the following business day shall be considered a holiday. When any holiday listed above falls on a Saturday, the preceding business day shall be considered a holiday. In addition to the above, any day may be designated as a holiday by proclamation of the Mayor and/or the City Council.
3. No employee shall receive in excess of one day of holiday pay for a single holiday. If due to operational need, an employee is required to work the holiday, the employee may elect to take another day off as long as it is used by the end of that calendar year. Otherwise, the holiday will be forfeited. Such request shall not be unreasonably denied, considering the business needs of the employing unit, and the requests of other employees in the unit. No holidays will be allowed to float to the following year. Employees must work or be on authorized leave their last scheduled working day before and the next working day following the holiday to qualify for holiday pay.

B. Vacations

1. Full-Time employees shall be entitled to receive their regular salaries during vacation periods earned and taken in accordance with the provisions in this paragraph; provided, that no employee shall be entitled to any vacation unless the employee has successfully completed his or her initial probationary period. During the off season, full time employees shall be required to take vacation or other paid leave any time they are not reasonably available to report to work.

2. For Full-Time employees, the following schedule shall apply:

<u>Years of City Service</u>	<u>Hours of Vacation Accrued Per Biweekly Pay Period</u>
0 to end of year 3	2.31
4 to 6	2.76
7 to 9	3.46
10 to 12	4.15
13 to 15	4.61
16 to 19	5.07
20 or more	5.76

For any plan year in which there are 27 pay periods, no vacation leave hours will be awarded on the 27th pay period.

Years of City Service shall be based on the most recent date the person became a Full-Time salaried employee.

3. Full-Time employees may accumulate vacations, according to the length of their full-time years of City Service up to the following maximum limits:

Up to 9 years	Up to 180 hours
After 9 years	Up to 210 hours
After 14 years	Up to 240 hours

Any vacation accrued beyond said maximums shall be deemed forfeited unless utilized prior to the end of the calendar year in which the maximum has been accrued. However, in the case of an employee returning from an unpaid military leave of absence, related provisions under city ordinance shall apply.

4. Vacation Buy Back. The City may purchase within any calendar year up to, but not exceeding, 80 hours of accrued vacation time, to which an employee is entitled, with the consent of said employee and upon favorable written recommendation of the employee's Department Director and approval of the Chief Administrative Officer.

Said purchase of accrued vacation time may be authorized, at the discretion of the City, when, in its judgment, it is demonstrated that:

- a. The cash payment in lieu of vacation time use shall not interfere with an employee's performance or create an unreasonable hardship on said employee;
- b. There is a demonstrated need for the City to retain the services of the employee for said vacation time;
- c. There are sufficient funds in the Department budget to pay for the vacation time as certified by the City Management Services Director or designee, without disturbing or interfering with the delivery of City services; and
- d. The amount to be paid for any such purchase of vacation time as provided herein shall be based on the wage or salary rate of the said employee at the date of approval by the City.

The City shall make a diligent effort to provide employees their earned annual vacation, and shall, through appropriate management efforts, seek to minimize the recommendations for cash payments in lieu of vacation use. Any vacation purchased by the City shall be considered to be an extraordinary circumstance and not a fringe benefit of the employee.

IX. SICK AND OTHER RELATED LEAVE OR PERSONAL LEAVE.

- A. Benefits in this section are for the purpose of continuing income to employees during absence due to illness, accident or personal reasons. Some of these absences may qualify under the Family and Medical Leave Act (FMLA). This is a federal law that provides up to 12 weeks of unpaid leave each year and protects jobs and health care benefits for eligible employees who need to be off work for certain "family and medical"

reasons. APPENDIX C outlines the FMLA rights and obligations of the employee and the City. The City requires all employees using FMLA leave to exhaust their paid leave allotments for FMLA-qualifying events prior to taking FMLA leave unpaid. The paid leave parameters are defined in this Compensation Plan. Employees do not earn or receive leave benefits under this Section IX. while on unpaid leave of absence. However, employees on an unpaid military leave of absence may be entitled to the restoration of such leave benefits, as provided by city ordinance.

- B. Full-Time employees shall receive benefits in this section either under a plan as provided in paragraph IX.D. (Plan "A"), or as provided in paragraph IX.E. (Plan "B").
- C. Employees hired on or after November 16, 1997 shall participate in Plan B. All other employees shall participate in the plan they participated in on November 15, 1998.
- D. Plan "A."
 - 1. Sick Leave.
 - a. Sick leave shall be provided for Full-Time employees under this Plan "A" as insurance against loss of income when an employee is unable to perform assigned duties because of illness or injury. The Mayor may establish rules governing the interfacing of sick leave and Workers' Compensation benefits and avoiding, to the extent allowable by law, duplicative payments.
 - b. Each Full-Time employee shall accrue sick leave at a rate of 3.46 hours per pay period. For any plan year in which there are 27 pay periods, no sick leave hours will be awarded on the 27th pay period. Authorized and unused sick leave may be accumulated from year to year, subject to the limitations of this plan.
 - c. Under this Plan "A," Full-Time employees who have accumulated 240 hours of sick leave may choose to convert up to 48 hours of the sick leave earned and unused during any given year to vacation. Any sick leave used during the calendar year reduces the allowable conversion by an equal amount.
 - d. Conversion at the maximum allowable hours will be made unless the employee elects otherwise. Any election by an

employee for no conversion, or to convert less than the maximum allowable sick leave hours to vacation time, must be made by notifying his or her Personnel/Payroll Administrator, in writing, not later than the second payperiod of the new calendar year. Otherwise, the opportunity to waive conversion or elect conversion other than the maximum allowable amount shall be deemed waived for that calendar year. In no event shall sick leave days be converted from other than the current year's sick leave allocation.

- e. Any sick leave hours, properly converted to vacation benefits as above described, shall be taken prior to any other vacation hours to which the employee is entitled; provided, however, that in no event shall an employee be entitled to any pay or compensation upon an employee's separation for any sick leave converted to vacation. Any sick leave converted to vacation remaining unused at the date of separation shall be forfeited by the employee.

2. Hospitalization Leave

- a. Hospitalization leave shall be provided for Full-Time employees under this Plan "A," in addition to sick leave authorized hereunder, as insurance against loss of income when employees are unable to perform assigned duties because of scheduled surgical procedures, urgent medical treatment, or hospital inpatient admission.
- b. Employees shall be entitled to 30 days of hospitalization leave each calendar year. Hospitalization leave shall not accumulate from year to year. Employees may not convert hospitalization leave to vacation or any other leave, nor may they convert hospitalization leave to any additional benefit at time of retirement.
- c. Employees who are unable to perform their duties during a shift due to preparations (such as fasting, rest, or ingestion of medicine), for or participation in, a scheduled surgical procedure, may report the absence from the affected shift as hospitalization leave, with the prior approval of their division head or supervisor.
- d. Employees who must receive urgent medical treatment at a hospital, emergency room, or acute care facility, and who

are unable to perform their duties during a shift due to urgent medical treatment, may report the absence from the affected shift as hospitalization leave. The employee is responsible to report the receipt of urgent medical treatment to the employee's Division head or supervisor as soon as practical. For purposes of use of Hospital Leave, urgent medical treatment includes at-home care directed by a physician immediately after the urgent medical treatment and within the affected shift.

- e. Employees who are admitted as an inpatient to a hospital for medical treatment, so they are unable to perform their duties, may report the absence from duty while in the hospital as hospitalization leave.
- f. Medical treatment consisting exclusively or primarily of post-injury rehabilitation or therapy treatment, whether conducted in a hospital or other medical facility, shall not be counted as hospitalization leave.
- g. An employee requesting hospitalization leave under this section may be required to provide verification of treatment from a competent medical practitioner.

3. Bereavement Leave

- a. Under this Plan "A" time off with pay will be granted to a Full-Time employee who suffers the loss of a wife, husband, child, mother, father, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandfather, step-grandfather, grandmother, step-grandmother, grandchild, or stepgrandchild, stepchild, stepmother, stepfather, stepbrother or stepsister. In the event of death in any of these instances, the employee will be paid his or her regular base pay for scheduled work time from the date of death through the day of the funeral or memorial service, not to exceed five working days. Employees will be permitted one additional day of funeral or memorial service leave on the day following the service if: such service is held more than 150 miles distance from Salt Lake City; the employee attends the service; and the day following the service is a regular work shift. Satisfactory proof of such death, together with the date thereof, the date and location of the service, and the date of

burial, must, on request, be furnished by the employees to their supervisor.

- b. In the event of death of an uncle, aunt, niece, nephew, or first cousin to the respective employee, said employee will be paid for time off from scheduled working hours while attending the funeral or memorial service for such person, not to exceed one shift.
- c. In the event of death of friends or relatives not listed above, an employee may be granted time off without pay, not to exceed four hours, or may use available vacation leave while attending the funeral or memorial service for such person, subject to the approval of his or her immediate supervisor.
- d. In the event the death of any member of the immediate family as set forth in this paragraph IX.D.3.a. occurs while an employee is on vacation, his or her vacation will be extended by the amount of time authorized as bereavement leave under said paragraph.
- e. The provisions of this paragraph shall not be applicable to employees who are on leave of absence other than vacation leave.

4. Dependent Leave.

- a. Under Plan "A," dependent leave may be requested by a Full-Time employee covered by this Compensation Plan for the following FMLA-qualifying reasons:
 - 1. Becoming a parent through birth or adoption of a child or children.
 - 2. Placement of a foster child in the employee's home.
 - 3. Due to the care of the employee's child, spouse, or parent with a serious health condition.
- b. Under Plan "A," dependent leave may also be requested by a Full-Time employee to care for an employee's child, spouse or a parent who is ill or injured but who does not have a serious health condition.

- c. The following provisions apply to the use of dependent leave by a Full-Time employee:
1. Dependent leave may be granted with pay on a straight time basis.
 2. If the employee has available unused sick leave, the employee shall be entitled to use as dependent leave such unused sick leave.
 3. The employee shall give notice of the need to take dependent leave and the expected duration of such leave to to his or her supervisor as soon as possible under the circumstances.
 4. The employee shall provide, upon request of the supervisor, certification of birth or evidence of a child placement for adoption, or a letter from the attending physician in the event of hospitalization, injury or illness of a child, spouse or parent within five calendar days following termination of such leave.
 5. An employee's sick leave shall be reduced by the number of hours taken by an employee as dependent leave under this paragraph provided, however, that up to 40 hours of dependent leave used during the calendar year will not affect the sick leave conversion options as outlined in paragraph IX.D.1.c.
 6. Probationary employees are not eligible for dependent leave.
5. Career Incentive Leave, Plan "A." Full-Time employees, who have been in continuous Full-Time employment with the City for more than 20 years, and who have accumulated to their credit 1500 or more sick leave hours, may make a one-time election to convert up to 160 hours of sick leave into 80 hours of paid Career Incentive Leave. Career Incentive Leave must be taken prior to retirement. Sick leave hours converted to Career Incentive Leave will not be eligible for a cash payout upon termination or retirement even though the employee has unused Career Incentive Leave hours available. This leave can be used for any reason. Requests for Career Incentive Leave must be submitted in writing to the Department Director and be approved subject to the department's business needs (e.g., work schedules and workloads).

6. Retirement Benefit, Plan "A."

- a. Persons who retire under the eligibility requirements of the Utah State Retirement System will be paid in cash at their then current pay scale, a sum equal to their daily rate of pay for 25% of the accumulated sick leave days reserved for the benefit of said employee at the date of the employee's retirement.
- b. In lieu of the above, Full-Time employees may elect to convert the sick leave privilege provided above to hospital and surgical coverage. If such an election is made in writing, 50% of the sick leave hours available at retirement may be converted to a dollar allowance at the time of retirement. The sick leave hours converted to a dollar allowance shall be subject to any state and federal income and social security tax withholding required by law. An employee's available sick leave account balance, computed by the hours therein times the salary rate at the effective date of employment separation, determines the number of months of medical and surgical coverage which may be purchased. The purchase is made on a monthly basis, which shall be computed on a monthly basis of charges against the account balance. If insurance premiums increase, the number of months of coverage will decrease. This provision shall not act to reinstate an employee with sick leave benefits which were in any respect lost, used, or forfeited prior to the effective date of this plan.

E. Plan "B."

1. The benefit Plan Year of Plan "B" begins in each calendar year on the first day of the pay-period that includes November 15. Under this Plan "B," paid personal leave shall be provided for employees as insurance against loss of income when an employee needs to be absent from work because of illness or injury, to care for a dependent, or for any other emergency or personal reason. Where the leave is not related to the employee's own illness or disability—or an event that qualifies under the FMLA—a personal leave request is subject to supervisory approval based on the operational requirements of the City and any policies regarding the

use of such leave adopted by the department in which the employee works.

2. Each Full-Time employee under this Plan "B" shall be awarded personal leave hours based on the following schedule:

<u>Months of Consecutive City Service</u>	<u>Hours of Personal Leave Per Bi-weekly Pay Period</u>
Less than 6	1.15
Less than 24	1.73
24 or more	2.31

For any plan year in which there are 27 pay periods, no personal leave hours will be awarded on the 27th pay period.

3. Not later than October 31st in each calendar year, employees covered by Plan "B" may elect, by notifying their Personnel/Payroll Administrator in writing, to:
- a. Convert any unused personal leave hours available at the end of the first pay period of November to a lump sum payment equal to the following: For each converted hour, the employee shall be paid 50 percent of the employee's hourly base wage rate in effect on date of conversion. In no event shall total pay hereunder exceed 40 hours of pay, or
 - b. Carryover to the next calendar year up to 80 unused personal leave hours, or
 - c. Convert a portion of unused personal leave hours, to a lump sum payment as provided in subparagraph (a) above and carry over a portion as provided in subparagraph (b) above.
4. Maximum Accrual. A maximum of 80 hours of personal leave may be carried over to the next plan year. Any personal leave hours unused at the end of the plan year in excess of 80 shall be converted to a lump sum payment as provided in subparagraph 3.a above.
5. Separation Benefits. At termination of employment for any reason, accumulated unused personal leave hours shall be paid to the

employee at 50 percent of the hourly base wage rate on date of termination for each unused hour.

6. Conditions on Use of Personal Leave are:

- a. Minimum use of personal leave is four hours, with supervisory approval.
- b. Except in unforeseen circumstances, such as emergencies or the employees' inability to work due to their illness or accident, or an unforeseen FMLA-qualifying event, the employees must provide their supervisors with prior notice to allow time for the supervisors to make arrangements necessary to cover the employees' work.
- c. For leave due to unforeseen circumstances, the employees must give their supervisors as much prior notice as possible.

7. Bereavement Leave.

- a. Under this Plan "B," time off with pay will be granted to a Full-Time employee who suffers the loss of a wife, husband, child, mother, father, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandfather, step-grandfather, grandmother, step-grandmother, grandchild, or stepgrandchild, stepchild, stepmother, stepfather, stepbrother or stepsister. In the event of death in any of these instances, the employee will be paid his/her regular base pay for scheduled work time from the date of death through the day of the funeral or memorial service, not to exceed five working days. Employees will be permitted one additional day of funeral or memorial service leave on the day following the service if: such service is held more than 150 miles distance from Salt Lake City; the employee attends the service; and the day following the service is a regular work shift. Satisfactory proof of such death, together with the date thereof, the date and location of the service, and the date of burial, must, on request, be furnished by the employees to their supervisors.
- b. In the event of death of an uncle, aunt, niece, nephew, or first cousin to the respective employee, said employee shall

be allowed to use personal leave for time off from scheduled working hours to attend the funeral or memorial service for such person.

- c. In the event of death of friends or relatives not listed above, an employee may be allowed to use personal leave for time off to attend the funeral or memorial service for such person, subject to the approval of his or her supervisor.
8. Career Enhancement Leave, Plan "B." A Full-Time employee covered under this Plan "B" is eligible, after 15 years of full time service with the City, to be selected to receive up to two weeks of career enhancement leave. This one-time leave benefit could be used for formal training, informal course of study, job-related travel, internship, mentoring or other activity which could be of benefit to the City and the employee's career development. Selected employees shall receive their full regular salary during the leave. Request for this leave must be submitted in writing to the appropriate Department head, stating the purpose of the request and how the leave is intended to benefit the City. The request must be approved by the Department head and by the Human Resources Director (who will review the request for compliance with the guidelines outlined here).
 9. Retirement/Layoff (RL) Benefit, Plan "B."
 - a. Full-Time employees currently covered under Plan "B" who were hired before November 16, 1997, and who elected to be covered under Plan "B," shall have a retirement/layoff (RL) account equal to sixty percent of their accumulated unused sick leave hours available on November 16, 1997, minus any hours withdrawn from that account since it was established.
 - b. Full-Time employees who were hired before November 16, 1997 and who elected in 1998 to be covered under Plan "B," shall have a retirement/layoff (RL) account equal to fifty percent of their accumulated unused sick leave hours available on November 14, 1998, minus any hours withdrawn after the account is established.
 - c. Payment of the RL Account.
 - (1) All of the hours in the RL account shall be payable at retirement or layoff as follows: The employee shall be

paid the employee's hourly rate of pay on date of retirement or layoff for each hour in the employee's RL account.

(2) In the case of retirement only, in lieu of the above, Full-Time employees may elect to convert the RL account payment as provided herein to hospital and surgical coverage. Such payment shall be subject to any state and federal income and social security tax withholding required by law. An employee's available RL account balance, computed by the hours therein times the salary rate at the effective date of employment separation, determines the number of months of medical and surgical coverage that may be purchased. The purchase is made on a monthly basis, which shall be computed on a monthly basis of charges against the account balance. If insurance costs increase, the number of months of coverage will decrease.

d. Hours may be withdrawn from the RL account for emergencies after personal leave hours are exhausted, and with approval of the employee's supervisor. RL account hours may also be used as a supplement to Workers' Compensation benefits which, when added to the employees' Workers' Compensation benefits, equals the employee's regular net salary. The employee must make an election in writing to the Director of Management Services to use RL account hours to supplement Workers' Compensation benefits.

10. Short Term Disability Insurance, Plan "B." Protection against loss of income when an employee is absent from work due to short term disability shall be provided to Full-Time employees covered under Plan "B" through short term disability insurance (SDI). There shall be no cost to the employee for SDI. SDI shall be administered in accordance with the terms determined by the City. As one of the conditions of receiving SDI, the employee may be required to submit to a medical examination by a medical provider of the City's choosing.

X. MILITARY LEAVE AND JURY DUTY

A. Leave of absence for employees who enter uniformed service. An employee who enters the service of a uniformed services of the United States, including the United States Army, United States Navy, United States Marine Corps, United States Air Force, commissioned Corps of the National Oceanic and Atmospheric

Administration, or the commissioned corps of the Public Health Service, shall be entitled to be absent from his or her duties and service from the City, without pay, as required by state and federal law. Said leave shall be granted for no more than five cumulative years, consistent with the federal Uniform Services Employment and Reemployment Act.

- B. Leave while on duty with the armed forces or Utah National Guard. Employees covered by this Plan who are or who shall become members of the reserves of a federal armed forces, including United States Army, United States Navy, United States Marine Corps, United States Air Force, and the United States Coast Guard, or any unit of the Utah National Guard, shall be allowed full pay for all time not in excess of 11 working days per calendar year spent on duty with such agencies. This leave shall be in addition to the annual vacation leave with pay. To qualify, employees claiming the benefit under this provision shall provide documentation to the City demonstrating duty with such agencies. To qualify, duty herein need not be consecutive days of service. However, employees who are on an unpaid military leave of absence shall not receive payment for this benefit until they return to paid City employment.
- C. Leave for Jury Duty. Employees shall be entitled to receive and retain statutory juror's fees paid for jury service in the State and Federal Courts subject to the conditions hereinafter set forth. No reduction in an employee's salary shall be made for absence from work resulting from such jury service. On those days that an employee is required to report for jury service and is thereafter excused from such service during his or her regular working hours from the City, he or she shall forthwith return to and carry on his or her regular City employment. Failure to so return to work shall result in the forfeiture of that day's pay by such employee.

XI. ADDITIONAL LEAVES OF ABSENCE.

Additional leaves of absence may be requested in writing and granted to an employee at the discretion of the Department Director.

XII. INSURANCE

Group Insurance. Employees of the City may participate in the City's group insurance plan in conformity with and under the terms of an insurance plan adopted by ordinance. Retired City employees, and other persons may also be permitted to participate in the plan under terms and conditions set forth by ordinance. The City shall cause the specific provisions of the group plan to be detailed and made available to the employees. The City may deduct from each payroll all monies necessary to fund the employees' share of insurance coverage and make all payments necessary to fund the plan, within budget limitations established by the City Council.

Employees eligible to participate in the group insurance plan shall be enrolled, unless waivers are executed by employees desiring exemption, in the form and manner and at such times as the City may direct.

XIII. WORKERS' COMPENSATION

In addition to the foregoing, the Mayor may provide for Workers' Compensation coverage to the employees under applicable provisions of State statute.

XIV. LONG TERM DISABILITY COMPENSATION

Optional long term disability is available to employees eligible under the City's Long Term Disability Program (Income Protection Program). This program provides continuation of income to employees of the City who are permanently and totally disabled as defined under the program.

XV. LIGHT DUTY.

Depending on the City's need or legal requirement, employees may be placed temporarily in a light duty position, when illness or injury prevents them from performing their regular duties.

XVI. SEPARATION FROM SERVICE

- A. Social Security Adopted. The City hereby adopts the provisions of the Federal Social Security system and applies and extends the benefits of the old age and survivor's insurance of the Social Security Act to employees.
- B. Retirement Programs. The City hereby adopts the Utah State Retirement System for providing retirement pensions to employees covered by the plan. The City may permit or require the participation of employees in its retirement program(s) under terms and conditions established by the Mayor and consistent with state law. Such programs may include:
1. The Utah State Public Employees' Retirement System (Contributory and Non-Contributory)
 2. Deferred Compensation Programs
 3. Retirement Incentive Programs
- C. Layoffs. Whenever it is necessary to reduce the number of employees performing an activity or function defined by the Mayor or designee within a City department because of lack of work or lack of funds, the City shall minimize layoffs by readjustment of personnel through reemployment or bumping processes detailed in the City's Layoff Procedure.
1. Whenever layoffs are necessary, emergency, temporary, probationary, hourly and Regular Part-Time employees performing essentially the same duties as the aforesaid work activities or functions being reduced shall be laid off first.
 2. Full-Time salaried employees shall be the last to be laid off in inverse order of the length of service of employees in the same job classification performing the same job functions and duties.
 3. Full-Time salaried employees designated for layoff or actually laid off may request reemployment, or elect to bump if eligible. Once a choice is made, Division of Human Resources staff will focus their effort on the selected option. Under reemployment, the laid off employee may be placed in a vacant equal or lower classification job position, wherever situated in the City, for which the employee is qualified. Vacant means the Division of Human Resource Management has received a request to fill a position.

Equal or lower classification means that the maximum salary for the vacant position shall be less than or equal to the maximum salary for the position being laid off. Under the bumping option, said employee, within the City department in which the layoff occurs, may bump the least senior, Full-Time employee or probationary employee (in a job position and function previously and actually held by said laid off employee regardless of whether the job title or classification has since changed). The determination as whether the laid off employee is currently qualified for a position will be made by the Division of Human Resources, following the process outlined in the City's Layoff Procedure.

4. Future Application for Employment Once Laid Off. Employees who have not utilized either reemployment or bumping, and who leave the City's payroll will have the right to pre-bid (submit application prior to actual position opening) on positions in the *100 Series* and *200 Series* for a period of two years. They may also apply for *300 Series* and *600 Series* positions for a two-year period utilizing the City's internal applicant form.
5. Benefits Upon Layoff. Employees who are subject to layoff because of lack of work or lack of funds shall be eligible to receive, subject to appropriation of funds:
 - a. One hundred percent of their accumulated unused sick leave hours, if covered under paragraph IX.D. (Plan "A"); or
 - b. One hundred percent of their RL account if covered under paragraph IX.E (Plan "B").
 - c. Accrued unused personal leave at 50% of the employees' base hourly rate, if covered under paragraph IX.E. (Plan "B").

D. Separation From Employment Due To Resignations Or Otherwise

1. Every employee who is separated from City employment for any reason shall be paid for:
 - a. Earned vacation time accrued, unused, and unforfeited as of the date of termination;
 - b. Unused compensatory time off; and
 - c. If a participant in "Plan B," any accrued and unused personal leave in accordance with paragraph IX.E.5. of this chapter.

XVII.RECOGNITION OF THE PROFESSIONAL EMPLOYEES COUNCIL

The City recognizes the Professional Employees Council (PEC) to maximize input into decisions regarding this Compensation Plan.

XVIII. SENIORITY

For purposes of this Compensation Plan, "seniority" shall be defined as an employee's uninterrupted, full time salaried employment with the City. An employee's earned seniority shall not be lost because of absence due to authorized leaves of absence or temporary layoffs not to exceed two years.

XIX. AUTHORITY OF THE MAYOR

Employees covered by this compensation plan may be appointed, classified, and advanced under rules and regulations promulgated by the Mayor, or the Civil Service Commission, if applicable, within budget limitations established by the City Council.

**APPENDIX A - Golf Employees Compensation Plan
Bi-Weekly Wage Rates
Effective April 10, 2005**

Grade	Minimum	Midpoint	Maximum
G01	\$ 916.00	\$ 1,151.20	\$ 1,387.20
G02	\$ 957.60	\$ 1,176.00	\$ 1,394.40
G03	\$ 1,001.60	\$ 1,252.80	\$ 1,504.00
G04	\$ 1,048.00	\$ 1,315.20	\$ 1,582.40
G05	\$ 1,096.00	\$ 1,372.80	\$ 1,649.60
G06	\$ 1,146.40	\$ 1,433.60	\$ 1,720.80
G07	\$ 1,204.80	\$ 1,507.20	\$ 1,808.80
G08	\$ 1,252.00	\$ 1,564.80	\$ 1,877.60
G09	\$ 1,308.00	\$ 1,635.20	\$ 1,962.40
G10	\$ 1,368.00	\$ 1,709.60	\$ 2,052.00
G11	\$ 1,431.20	\$ 1,791.20	\$ 2,150.40
G12	\$ 1,530.40	\$ 1,936.80	\$ 2,343.20
G13	\$ 1,597.60	\$ 2,023.20	\$ 2,448.80
G14	\$ 1,672.00	\$ 2,116.00	\$ 2,560.00
G15	\$ 1,745.60	\$ 2,210.40	\$ 2,674.40
G16	\$ 1,283.20	\$ 1,604.80	\$ 1,925.60
G17	\$ 1,340.00	\$ 1,675.20	\$ 2,011.20
G18	\$ 1,400.80	\$ 1,748.80	\$ 2,096.80
G19	\$ 1,511.20	\$ 1,888.80	\$ 2,266.40
G20	\$ 1,530.40	\$ 1,913.60	\$ 2,296.00
G21	\$ 1,598.40	\$ 1,998.40	\$ 2,399.20
G22	\$ 1,648.00	\$ 2,135.20	\$ 2,622.40
G23	\$ 1,755.20	\$ 2,264.00	\$ 2,773.60
G24	\$ 1,844.80	\$ 2,380.80	\$ 2,916.00
G25	\$ 1,964.80	\$ 2,555.20	\$ 3,145.60
G26	\$ 2,044.80	\$ 2,660.80	\$ 3,276.80
G27	\$ 2,152.80	\$ 2,777.60	\$ 3,402.40
G28	\$ 2,319.20	\$ 2,992.00	\$ 3,664.80
G29	\$ 2,452.80	\$ 3,165.60	\$ 3,877.60
G30	\$ 2,694.40	\$ 3,476.80	\$ 4,258.40

APPENDIX B

UTAH STATE RETIREMENT CONTRIBUTIONS FY 2004/2005

UTAH STATE RETIREMENT SYSTEM	EMPLOYEE CONTRIBUTION	TOTAL EMPLOYEE CONTRIBUTION PAID BY CITY	TOTAL EMPLOYER CONTRIBUTION	GRAND TOTAL CONTRIBUTION
Public Employee Contributory Retirement System	0	6.00%	7.08%	13.08%
Public Employee Non-Contributory Retirement System	0	0	11.09%	11.09%

APPENDIX C

Note: The following City policy was in effect on the date of this plan's adoption. It is included here for information of employees. The City's FMLA policy may change during the term of this plan. Also, portions of the policy may be determined invalid by the courts. The City and its employees will comply with the Family Medical Leave Act, as defined in applicable law or regulation, and as interpreted by the courts. The inclusion of the City's policy in this plan is not intended to and does not create substantive rights for employees.

SALT LAKE CITY POLICY MANUAL

FAMILY AND MEDICAL LEAVE ACT POLICY 3.01.07

GENERAL PURPOSE: To explain the circumstances under which eligible employees may take up to 12 weeks of unpaid, job-protected leave per 12 month period for certain family and medical reasons.

I. THE FAMILY AND MEDICAL LEAVE ACT ("FMLA") IS A FEDERAL LAW

- A. Entitles eligible employees to job protected, unpaid leave for up to 12 weeks per qualifying 12 month period for certain qualifying events and health conditions
- B. Provides for continuation of group health plan benefits during FMLA leave
- C. Restores the employee to the same or an equivalent job upon return to work
- D. Protects the employee from discrimination as a result of taking FMLA leave

II. QUALIFYING EVENTS FOR WHICH FMLA CAN BE TAKEN

- A. The birth or adoption of a child;
- B. Placement of a foster child in the employee's home;
- C. A serious health condition of the employee; or
- D. The care for a spouse, child or parent with a serious health condition.

III. FMLA LEAVE WHEN HUSBAND AND WIFE BOTH WORK FOR THE CITY

- A. A husband and wife who are eligible for FMLA leave and are both employed by the City are limited to a combined total of 12 weeks of leave during the 12 month period if the leave is taken:
 - 1. for the birth of a child or to care for the child after the birth;
 - 2. for the placement of a child with the employee for adoption or foster care, or to care for the child after placement; or
 - 3. to care for the employee's parent with a serious health condition.
- B. Where the husband and wife both use a portion of the total 12 week FMLA leave entitlement for one of the purposes set forth in IIIA, above, the husband and wife each are entitled to the difference between the amount he/she has taken individually and 12 weeks for FMLA leave for a qualifying event other than those identified in IIIA.

APPENDIX C

IV. EMPLOYEE ELIGIBILITY

To be eligible for FMLA leave, the employee must be:

- A. employed by the City for at least 12 months and
- B. employed by the City for a minimum of 1250 compensable work hours as determined under the Fair Labor Standards Act during the 12 month period immediately preceding the commencement of the leave.

V. 12 MONTH PERIOD DURING WHICH FMLA LEAVE CAN BE TAKEN

The 12 month period during which the 12 weeks of FMLA leave can be taken is measured forward from the date the employee's first FMLA leave begins.

VI. EMPLOYEE RESPONSIBILITIES

An employee will:

- A. Provide notice to his/her supervisor of the need for leave:
 - 1. for leave that is foreseeable – at least 30 days in advance;
 - 2. for leave that is unforeseeable – as soon as is practicable.
- B. Advise his/her supervisor if the leave is to be taken intermittently or on a reduced leave schedule basis.
- C. Provide medical certification for leave taken as a result of a serious health condition of the employee or of a serious health condition of the employee's spouse, parent or child, if requested by the City's designee.
 - 1. Failure by the employee to comply with the certification requirements may result in a delay in the start of FMLA leave, a delay in the restoration of the employee to his/her position, or unprotected leave status.
- D. Comply with arrangements to pay the employee-paid portion of the group health plan benefit premiums (See Section XI).
- E. Periodically advise his/her supervisor, at least every 30 days, of his/her condition, or the condition of his/her spouse, child or parent, and the intent to return to work at the conclusion of leave.
- F. Notify his/her supervisor of any changes in the circumstances for which leave is being taken.
- G. Provide his/her supervisor with a fitness for duty certification if required by his/her supervisor, timekeeper, or HR consultant upon the employee's return to work following the employee's serious health condition.

VII. THE CITY'S RESPONSIBILITIES

As the employer, the City, through its designees, will:

- A. Maintain coverage of group health plan benefits at the level and under the conditions coverage would have been provided if the employee had continued in employment without utilizing FMLA leave.

APPENDIX C

- B. Determine and notify the employee whether the leave will be counted against the employee's FMLA leave entitlement.
- C. Provide the requirements for furnishing medical certification for a serious health condition of the employee or for the serious health condition of a parent, child, or spouse of the employee and the consequences for failing to do so;
- D. Notify the employee of the requirement to substitute paid leave for the FMLA leave.
- E. Notify the employee of the requirements for making the employee-paid portion of group health plan benefit premium payments and the consequences for failing to make timely payments.
- F. Notify the employee of the requirements to submit a fitness for duty certificate to be restored to employment.
- G. Notify the employee of his/her status as a "key employee," if applicable (See, XIID).
- H. Notify the employee of his/her right to return to his/her position or an equivalent position when leave is completed.
- I. Notify the employee of his/her potential liability to reimburse the City for the employer-paid group health plan benefit premium payments made while the employee is on unpaid FMLA leave, if the employee fails to return to work after the FMLA leave.

VIII. MEDICAL CERTIFICATION

- A. The City will require medical certification of any serious health condition of the employee or of the serious health condition of the employee's spouse, parent or child.
- B. If the leave is foreseeable, the employee should provide the medical certification prior to taking the leave.
- C. If the leave is not foreseeable, the employee shall provide medical certification within 15 days after being requested to do so by the City's designee.
- D. An employee on approved FMLA leave will be required to inform his/her supervisor every 30 days regarding his/her status and intent to return to work upon the conclusion of the leave (See, also, Section VI E).
- E. The City reserves its right to require, at its own expense, second and third medical opinions, as specified by the FMLA.

IX. USE OF PAID LEAVE IS REQUIRED BEFORE TAKING UNPAID FMLA LEAVE

The City requires all employees utilizing FMLA leave to exhaust their paid leave allotments prior to taking FMLA leave unpaid. **The paid leave parameters are defined by the employee's contract or compensation plan.**

- A. FMLA leave for qualifying events, other than the serious health condition of the employee
 - 1. Plan A

APPENDIX C

- a. paid leave comes first from dependent leave, in the amount allowed in the contract/compensation plan.
- b. the remaining leave comes from the employee's vacation time.
2. Plan B
 - a. either personal leave time and/or vacation time can be used
 - b. severance account hours can be used in the same manner as sick leave hours are allowed under Plan A.
- B. FMLA leave for the serious health condition of the employee
 1. Plan A
 - a. paid leave comes first from hospital leave (when appropriate);
 - b. followed by all sick leave
 - c. followed by vacation time
 2. Plan B
 - a. paid leave will be provided when appropriate from the Short Term Disability Insurance Program
 - b. personal leave, severance account hours, and vacation time will then be utilized in that order.
- C. Compensatory time may be used for an FMLA reason but any period of leave paid from the employee's accrued compensatory time account **will not be counted** against the employee's FMLA leave entitlement.
- D. Leave taken for a serious health condition covered under Workers' Compensation will be counted towards an employee's FMLA entitlement. Accrued paid leave may be used at the same time the employee is collecting a Workers' Compensation benefit only to the extent that it allows the employee to collect 100% of his/her net salary.

X. INTERMITTENT LEAVE

- A. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for medical treatment of a serious health condition, for recovery from such treatment or from the serious health condition, or when the serious health condition of a spouse, parent or child of the employee requires intermittent treatment and requires the employee's care and/or involvement in the treatment and or the care of the parent, child, or spouse.
 1. When the need for intermittent or reduced schedule FMLA leave is foreseeable, the employee must make reasonable attempts to arrange the schedule of the leave so as not to unduly disrupt the City's operations.
- B. The employee taking intermittent leave under the FMLA may be required to transfer temporarily to an available alternative position for which the employee is qualified. The alternative position must have equivalent pay and benefits and better accommodate recurring periods of leave than the employee's regular position. FMLA leave taken for the birth or adoption of a child or for the placement of a foster child in the employee's home cannot be taken on an intermittent or reduced leave schedule.

APPENDIX C

XI. BENEFITS WHILE ON FMLA LEAVE

- A. For the duration of FMLA leave, the City will pay the City-paid portion of the premiums for group health plan benefit coverage, which includes medical insurance coverage, Basic Employee Term Life Insurance, and Short Term Disability Insurance, subject to Section XIA3.
1. While on FMLA leave utilizing paid leave, the employee-paid portion of the group health plan benefit premiums are deducted from employee's check as usual.
 2. When FMLA leave is unpaid, the employee must contact the Benefits Section of Human Resources (535-7900) to make arrangements to pay the employee portion of the insurance premiums. The employee and employer will agree in writing as to the way the employee-paid portion of the group health benefit plan premium payments will be paid, under the four allowable options:
 - a. Payment would be due at the same time as it would be made if by payroll deduction;
 - b. Payment would be due on the same schedule as payments are made under COBRA;
 - c. Payment would be prepaid pursuant to a cafeteria plan at the employee's option; or
 - d. Prepayment of the employee-paid portion of the group benefit plan premiums through increased payroll deductions before the leave is taken, when the need for unpaid FMLA leave is foreseeable, or payment of the employee-paid portion of the group benefit plan premiums through increased deductions after the employee returns to work following unpaid FMLA leave when the need for unpaid FMLA leave is not foreseeable.
 3. **If the employee-paid portion of the group health plan benefit premium is more than 30 days late, the City's obligation to maintain group health plan insurance coverage will cease.**
 - a. The City, through its designee, will provide written notice at least 15 days prior to the date coverage will be cancelled that payment has not been received.
 - b. The employee will have 15 days after the date of notification, or 30 days from the date the premium was due, whichever is greater, to make the required premium payment(s).
 - c. If the employee fails to pay his/her portion of the group health plan benefit premium(s), the employee will lose his/her group health plan benefit coverage.
- B. The City is not responsible for maintaining non-health care related benefits paid directly by the employee through voluntary deductions (dental, supplemental and dependent life insurance, accident insurance plans, or LTD). It is the employee's responsibility to make arrangements through the Benefits Section of Human

APPENDIX C

Resources (535-7900) for the payment of those benefit premiums when on unpaid FMLA leave.

- C. If an employee fails to return to work after unpaid FMLA leave has ended, the employee shall reimburse the City all City-paid group health plan benefit premiums it paid on behalf of the employee unless the failure to return from leave is due to:
 - 1. the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to leave under FMLA;
 - 2. other circumstances beyond the employee's control.
- D. An employee is considered to have returned to work following FMLA leave if he/she returns for at least 30 calendar days.
- E. An employee's seniority will not be interrupted if the employee utilizes paid leave while on FMLA leave. Once paid leave is exhausted, no seniority or pension credit will be accumulated for the unpaid FMLA leave time. Upon return from unpaid leave the employee's seniority will continue where the accumulation left off.

XII. RETURN TO WORK AFTER FMLA LEAVE

- A. Upon return to work following FMLA leave, the employee must provide a medical certification of the employee's fitness to return to work if the FMLA leave was taken for the employee's own serious health condition.
- B. If the employee fails to provide a fitness certificate after being notified by the City of the need for the certificate, the City, through its designee, may delay the employee's return to work until the fitness certificate is provided.
- C. An employee will be returned to his/her job or an equivalent job with equivalent pay, benefits, and working conditions, if the original job is not available.
- D. Key employees that earn salaries in the top ten percent of Salt Lake City Corporation's workforce and whose return would cause "substantial and grievous economic injury" or hardship to the City's operations, may not be reinstated.
- E. The City may take any personnel action/decision that would have happened if the employee had continued to work while the employee is on FMLA leave.

Effective Date: March 29, 2000