

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2007

(Approving the Compensation Plan for  
Executive Employees and Elected Officials  
of Salt Lake City)

AN ORDINANCE APPROVING A COMPENSATION PLAN FOR  
EXECUTIVE EMPLOYEES AND ELECTED OFFICIALS.

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 Executive Employees and Elected Officials. 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. This Ordinance shall be deemed effective on July 1, 2007.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
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 4-23-07  
By [Signature]

(SEAL)

Bill No. \_\_\_\_\_ of 2007.

Published: \_\_\_\_\_.

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COMPENSATION PLAN FOR SALT LAKE CITY CORPORATION EXECUTIVE  
EMPLOYEES AND ELECTED OFFICIALS

I. EFFECTIVE DATE

The provisions of this plan shall be effective commencing July 1, ~~2006~~2007.

II. EMPLOYEES COVERED BY THIS PLAN

Employees subject to this plan shall be the Elected Officials and those full-time City employees classified as "Executive" employees. "Executive" employees are "appointed" and "at-will" employees serving at the pleasure of the Mayor (or the City Council if they are employees of the Office of the City Council). Employees are not covered by the paid leave 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 benefits as provided by city ordinance.

III. WAGES AND SALARIES

A. Elected Officials

The annual compensation of elected officials shall be as provided in APPENDIX "A."

B. Executive Employees

From July 1, ~~2006~~2007 to June 30, 2008~~7~~, Executive employees shall be paid within ranges provided in the schedule attached hereto as APPENDIX "B." Any performance-based pay adjustment above the "Base Pay Maximum" of the range will be given as a supplemental payment not added to base. In no case will such annual supplemental payment—when divided by 26 and added to the base pay adjustment—be allowed to exceed the "Range Maximum."

C. Other Forms of Compensation

The foregoing shall not restrict the Mayor from distributing appropriated moneys to employees of the City in the form of lump sum supplemental performance-based or special supplemental payments to employees within per annum pay limitations. The Mayor, with the prior written advice and consent of the City Council, may in a writing filed with the City Recorder, grant a retention incentive benefit, if one is necessary to meet employment market conditions or where it would be in the City's best interests to do so.

IV. LONGEVITY PAY

Executive employees shall not be eligible for longevity benefits.

V. OVERTIME COMPENSATION

Executive employees do not receive overtime compensation.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 9-20-07  
By [Signature]

## VI. ALLOWANCES

- 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. Under City policy, the Mayor may authorize an employee to utilize a City vehicle on a take-home basis, and shall, as a condition of receipt, 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 a rate as specified in City policy.
  3. A car allowance may be paid to Executive employees, as determined by the Mayor, at a rate not to exceed \$400 per month.
- C. Uniform Allowance. Employees shall be provided the following monthly uniform allowances when required to wear uniforms in the performance of their duties:
1. Fire Department Executive employees shall be provided uniforms or uniform allowances to the extent stated in Fire Department policy number 122.
  2. Uniforms or uniform allowances for Police Executive employees shall be provided to the extent stated in Police Department policy.
- D. Other Allowances. The Mayor may, within budgeted appropriations, authorize the payment of other allowances in extraordinary circumstances (as determined by the Mayor) and as dictated by City needs.

## VII. HOLIDAYS AND VACATION

Employees shall receive holidays and vacation as provided in this paragraph VII. Employees do not earn or receive holiday and vacation benefits while on an unpaid leave of absence. However, employees on an unpaid military leave of absence may be entitled to the restoration of certain leave benefits as provided by city ordinance.

- A. Holidays
1. The following days shall be recognized and observed as holidays for employees covered by this plan. Such employees shall receive their regular rate of pay for each of the unworked holidays:
    - a. New Year's Day, the first day of January.
    - b. Martin Luther King, Jr. Day, the third Monday of January.
    - c. President's Day, the third Monday in February.

- d. Memorial Day, the last Monday of May.
  - e. Independence Day, the fourth day of July.
  - f. Pioneer Day, the twenty-fourth day of July.
  - g. Labor Day, the first Monday in September.
  - h. Veteran's Day, the eleventh day of November.
  - i. Thanksgiving Day, the fourth Thursday in November.
  - j. Day after Thanksgiving Day. See holiday exception below.
  - k. Christmas Day, the twenty-fifth day of December.
  - l. One personal holiday, taken upon request of the employee.
- 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. 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.
  - 4. Holiday exception. In lieu of taking the day after Thanksgiving Day as a holiday, employees may observe this holiday up to 50 days prior to Thanksgiving.

B. Vacations

- 1. Employees shall be entitled to receive their regular salaries during vacation periods earned and taken in accordance with the provisions in this paragraph. For any plan year in which there are 27 pay periods, no vacation leave hours will be awarded on the 27<sup>th</sup> pay period.
- 2. For Executives other than Department Directors and those named in paragraph 3. below, the following schedule shall apply:

<u>Years of Consecutive City Service</u>	<u>Hours of Vacation Accrued Per Biweekly Pay Period</u>
0 to end of year 3	3.08
4 to 6	3.69
7 to 9	4.62

10 to 12	5.54
13 to 15	6.15
16 to 19	6.77
20 or more	7.69

3. For Department Directors, the Mayor's Chief of Staff, up to two additional senior executive positions in the Mayor's Office as specified by the Mayor, the Executive Director of the City Council, and the Director of the Redevelopment Agency, the following schedule shall apply:

<u>Years of Consecutive City Service</u>	<u>Hours of Vacation Accrued Per Biweekly Pay Period</u>
0 to end of year 14	6.15
15 or more	7.69

4. Executive Employees other than Department Directors and those named in paragraph 3. above may accumulate vacation hours (including both accrued vacation and sick leave conversion time), according to the length of their full-time, consecutive, years of employment with the City up to the following maximum limits:

Up to 9 years	Up to 240 hours
After 9 years	Up to 280 hours
After 14 years	Up to 320 hours

Department Directors and those named in paragraph 3. above may accumulate up to 320 hours of vacation without regard to their years of employment with the City.

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.

5. Vacation Buy Back. The City may purchase within any 12-month period up to, but not exceeding, 80 hours of earned and accrued vacation time, to which an employee is entitled as authorized in this paragraph, with the consent of said employee and upon favorable written recommendation of the employee's Department Director and approval by the Chief Administrative Officer or the Mayor, or by the Chair of the City Council for City Council executives.

Said purchase of accrued vacation time may be authorized, in 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 Chief Administrative Officer or designee, without disturbing or interfering with the delivery of City services.
- 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.
- e. 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.

#### VIII. 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 D 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 VIII. 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. Executive employees shall receive benefits in this section, either under a plan as provided in paragraph VIII.D.E. (Plan "A"), or as provided in paragraph VIII.E.F. (Plan "B").
- C. Executive 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, except as provided in paragraph VIII.D.:
- D. Employees participating in Plan A, who were hired on or before November 16, 1997, may, during an election period beginning July 1, 2007 and ending September 30, 2007, choose to participate in Plan B effective November 4, 2007.

| D-E. Plan "A."

1. Sick Leave.

- a. Sick leave shall be provided for Executive 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 Executive employee under this Plan "A" shall accrue sick leave at a rate of 4.62 hours per pay period. Exception: For any plan year in which there are 27 pay periods, no sick leave hours will be accrued on the 27<sup>th</sup> 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," Executive employees who have accumulated 240 hours of sick leave may choose to convert up to 64 hours of the sick leave grant from any given year to vacation leave. Any sick leave used during the calendar year reduces the allowable conversion by an equal amount.
  - (1) 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.
  - (2) 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 termination for any sick leave converted to vacation. Any sick leave converted to vacation remaining unused at the date of termination or retirement shall be forfeited by the employee.

2. Hospitalization Leave

- a. Hospitalization leave shall be provided for 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 a scheduled surgical procedure, may report the absence from the regular work schedule while in the hospital as hospitalization leave.
- 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. For purposes of use of Hospitalization Leave, urgent medical treatment includes at-home care directed by a physician immediately after the urgent medical treatment and within the affected work day.
- 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 or care from a competent medical practitioner.

### 3. Bereavement Leave

- a. Under this Plan "A" time off with pay will be granted to an 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, grandfather, step-grandfather, grandmother, step-grandmother, grandchild, or stepgrandchild, stepchild, stepmother, stepfather, stepbrother or stepsister, grandfather-in-law, grandmother-in-law, or domestic partner, as defined in Paragraph b. below, or domestic partner's relative as listed above if the domestic partner were the employee's spouse. 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. The employee will be permitted one additional day of funeral leave 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.

- b. "Domestic Partner" means an individual with whom an eligible employee has a long term committed relationship of mutual caring and support. The domestic partner must have resided in the same household with the eligible employee for at least the past six consecutive months, and must have common financial obligations with the employee. The domestic partner and the employee must be jointly responsible for each other's welfare. The domestic partner may not be related by blood to the employee to a degree of closeness that would prohibit legal marriage in the State of Utah. The domestic partner benefit provided under this bereavement benefit is not effective before February 23, 2006.
- c. In the event of death of a brother-in-law, sister-in-law, 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 services 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 services for such person.
- e. In the event the death of any member of the immediate family as set forth in this paragraph VIII.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.
- f. 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 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, spouse's child, domestic partner (as defined in Paragraph c. below), domestic partner's unmarried child under age 26, or parent with a serious health condition.

Domestic partners and domestic partners' children are not covered by FMLA.

- b. Under Plan "A," dependent leave may also be requested by an employee to care for an employee's child, spouse, spouse's child, domestic partner (as defined in Paragraph c. below), domestic partner's unmarried child under age 26, or parent who is ill or injured but who does not have a serious health condition.
- c. "Domestic Partner" means an individual with whom an eligible employee has a long term committed relationship of mutual caring and support. The domestic partner must have resided in the same household with the eligible employee for at least the past six consecutive months, and must have common financial obligations with the employee. The domestic partner and the employee must be jointly responsible for each other's welfare. The domestic partner may not be related by blood to the employee to a degree of closeness that would prohibit legal marriage in the State of Utah. The domestic partner benefit provided under this bereavement benefit is not effective before February 23, 2006.
- d. The following provisions apply to the use of dependent leave by an Executive employee.
  - 1. Dependent leave may be granted with pay on a straight time basis.
  - 2. If the employee has accumulated and available unused sick leave, the employee shall be entitled to use as dependent leave such accumulated and available unused sick leave.
  - 3. The employee shall give notice of the need to take dependent leave and the expected duration of such leave to his or her supervisor as soon as possible under the circumstances.
  - 4. 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 VIII.D.1.c.

5. Retirement Benefit.

- a. Persons who retire under the eligibility requirements of the Utah State Retirement Systems 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, employees may elect to convert the sick leave grant 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 costs 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.

EF.     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 as insurance against loss of income when an Executive 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 Executive employee under this Plan "B" shall be awarded, at the beginning of the second pay period in November of each calendar year, personal leave hours each pay period based on the following schedule:

<u>Months of Consecutive City Service</u>	<u>Hours of Personal Leave</u>
Less than 6	40
Less than 24	60
24 or more	80

Employees hired during the plan year will be provided paid personal leave on a pro-rated basis.

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 the

date of conversion. In no event shall total pay hereunder exceed 40 hours 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. Termination Benefits. At termination of employment for any reason, accumulated unused personal leave hours, minus any adjustment necessary after calculating the "prorated amount," shall be paid to the employee at 50 percent of the hourly base wage rate on date of termination for each unused hour. For purposes of this paragraph XI.E.5, "prorated amount" shall mean the amount of personal leave credited at the beginning of the plan year, multiplied by the ratio of the number of months worked in the plan year (rounded to the end of the month which includes the separation date) to 12 months. If the employee, at the time of separation, has used personal leave in excess of the prorated amount, the value of the excess amount shall be reimbursed to the City and may be deducted from the employee's paycheck.
6. Conditions on Use of Personal Leave are:
- a. Minimum use of personal leave is one hour.
  - b. Executive 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 an Executive 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, grandfather-in-law, grandmother-in-law, or domestic partner, as defined in Paragraph b. below, or domestic partner's relative as listed above if the domestic partner were the employee's spouse. 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. The employee will be permitted one additional day of funeral leave on the day

following the funeral or memorial 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.

- b. "Domestic Partner" means an individual with whom an eligible employee has a long term committed relationship of mutual caring and support. The domestic partner must have resided in the same household with the eligible employee for at least the past six consecutive months, and must have common financial obligations with the employee. The domestic partner and the employee must be jointly responsible for each other's welfare. The domestic partner may not be related by blood to the employee to a degree of closeness that would prohibit legal marriage in the State of Utah. The domestic partner benefit provided under this bereavement benefit is not effective before February 23, 2006.
  - c. 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 or vacation for time off from scheduled working hours to attend the funeral or memorial service for such person.
  - d. 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/her immediate supervisor.
8. Career Enhancement Leave, Plan "B." An Executive 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 leave 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 Mayor, stating the purpose of the request and how the leave is intended to benefit the City. The request must be approved by the Mayor.
9. Plan "B" Retirement Benefit.
- a. Executive employees covered under Plan "B" shall have a Plan B Retirement Benefit as follows:
    - (1) Executive employees appointed before January 1, 1989, and who elected in 1997 to be covered under Plan "B," and who remain covered under Plan "B," will have a Plan B Retirement Account equal to 60 percent of unused sick leave accrued after December 31, 1988 and available on November 16, 1997), minus any hours withdrawn from that account since it was established.
    - (2) Executive employees appointed before January 1, 1989, and who elected in 1998 to be covered under Plan "B," will

have a Plan B Retirement Account equal to 50 percent of unused sick leave accrued after December 31, 1988 and available on November 14, 1998, minus any hours withdrawn from that account since it was established.

- (3) Executive employees who were appointed on and after January 1, 1989 and before November 16, 1997, and whose current participation in Plan "B" began in 1997, shall have a Plan B Retirement Account equal to 60 percent of accrued unused sick leave available on November 16, 1997, minus any hours withdrawn from that account since it was established
- (4) Executive employees who were appointed on and after January 1, 1989 and before November 16, 1997, and whose current participation in Plan "B" began in 1998, shall have a Plan B Retirement Account equal to 50 percent of accrued unused sick leave available on November 14, 1998, minus any hours withdrawn from that account since it was established.
- (5) Executive employees who were appointed before November 16, 1997 and who elected in 2007 to be covered under Plan "B," shall have a retirement/layoff (RL) account equal to 40 percent of their accumulated unused sick leave hours available on November 4, 2007, minus any hours withdrawn after the account is established.
- (56) Said employees participating in Plan "B" shall have no other accumulated sick leave except for those hours, if any, provided in paragraphs XVII.A.1.a. and under this section VIII.E.9. Sick leave hours accrued by Executive Employees on or before December 31, 1988 shall not be included in the "Plan B Retirement Account."
- (67) (a) At retirement Executive employees under Plan "B" shall be paid at the employee's hourly rate of pay on date of retirement for each hour in the employee's Plan B Retirement Account.  
(b) In lieu of the above, the Executive employee may elect, in writing, to convert the payment as provided herein to hospital and surgical coverage. Such payment shall be subject to any state and federal income and social security tax as fully required by law. The employee's available Plan B Retirement 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

costs increase, the number of months of coverage will decrease.

- (c) Hours may be withdrawn from the Plan B Retirement Account for emergencies after personal leave hours are exhausted, and with approval of the Mayor. Said 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 Mayor to use said 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 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 physician of its choosing.

## IX. 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, United States Coast Guard, 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 Compensation 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. Duty herein need not be consecutive days of service.
- 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.



X. INJURY LEAVE

- A. Injury Leave. The City shall establish rules governing the administration of an injury leave program for executive employees of the Operations Division of the Department of Airports who are required to carry firearms as part of their jobs, under the following qualifications and restrictions:
1. The disability must have resulted from a documented injury arising out of the discharge of official duties and/or while exercising some form of necessary job related activity as determined by the City;
  2. The employee must be unable to return to work due to the injury as verified by a licensed physician acceptable to the City;
  3. The leave benefit shall not exceed the value of the employee's net salary during the period of absence due to the injury, less all amounts paid or credited to the employee as Workers' Compensation, ~~social~~ Social Security, long term disability or retirement benefits, or any form of governmental relief whatsoever;
  4. The value of benefits provided to employees under this injury leave program shall not exceed the total of \$5,000 per employee per injury; unless approved in writing by the Mayor upon receipt of an acceptable treatment plan and consultation with the City's Risk Manager;
  5. The City's Risk Manager shall be principally responsible for the review of injury leave claims provided that appeals from the decision of the City's Risk Manager may be reviewed by the Director of the Department of Management Services who may make recommendations to the Mayor for final decisions;
  6. If an employee is eligible for Workers' Compensation as provided by law; and is not receiving injury leave pursuant to this provision, said employee may elect in writing to the Director of Management Services to use either accumulated sick leave or hours from the Plan "B" retirement account, if applicable and authorized vacation time to supplement Workers' Compensation so that the employee is receiving the employee's regular net salary.

XI. ADDITIONAL LEAVES OF ABSENCE.

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

XII. INSURANCE

- A. Group Insurance. Employees of the City will be required to enroll for single coverage in the City's group medical insurance plan in conformity with and under the terms of an insurance plan adopted by the City, as permitted by ordinance. The City will provide the employee a basic term life and accidental death plan. The City will also make available other bonafide benefit programs. Retired City employees and their eligible dependents may also be permitted to participate in the City's medical, dental plans under terms and conditions established by the City. The City shall cause the specific provisions of the group plan to be detailed

and made available to the employees. The City will deduct from each payroll all moneys necessary to fund the employee share of insurance coverage and make all payments necessary to fund the plan within budget limitations established by the City Council.

- B. The City will participate in the Nationwide Post Employment Health Plan, as adopted by the City by ordinance. Each year, the City will contribute ~~\$23.08~~\$24.30 per biweekly pay period into each employee's Nationwide Post Employment Health Plan account. For any year in which there are 27 pay periods, no such contribution will be made on the 27<sup>th</sup> pay period.

### 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), subject to the terms and conditions of the plan. This program provides continuation of income to employees of the City who are permanently and totally disabled as defined under the program.

### XV. 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. The ~~2006-2007~~2007-2008 fiscal year retirement contribution rates for employees covered by this paragraph are shown in Appendix C.
- D. At-Will Employees
- Executives and other persons in appointed positions are not eligible for layoff benefits because they are "appointed," "at will" employees serving at the pleasure of the Mayor (or City Council for employees of the Office of the City Council).
- E. 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 VIII.E.5. of this chapter.
  - d. The balance of the sick leave account specified in XVI.A.1.a., if appointed before January 1, 1989.

#### XVI. SEVERANCE BENEFIT

- A. Subject to availability of funds, Executive employees shall receive the following severance benefit on termination of their employment:

1. Current Executive Employees, Who Were Appointed as Executives Before January 1, 1989. Current Executive employees, who were appointed as Executives before January 1, 1989, shall receive a severance benefit determined as follows:

- a. Executive employees who have an account, established by prior City policy, and which was credited with a cash value equal to the total accrued sick leave hours available to the employee on December 31, 1988, multiplied by said employee's hourly rate of pay in effect on December 31, 1988, are vested in that account. The hours included in this account are separately accounted for and are not included in the "Plan B Retirement Benefit" under VIII.E.9.a.

Upon the voluntary or involuntary termination of employment from the City, these Executive employees shall receive, at the time of separation, the cash value of their vested account. However, Executive employees, may, during their employment, use the hours in that account for sick leave purposes, although such use will reduce the cash value of the account.

- b. Current Executive employees, appointed before January 1, 1989, who are terminated not for cause shall receive, as a severance benefit, in addition to subparagraph A.1.a. above: One month's base salary pay, determined on the effective date of termination, for each year of City employment calculated on a pro-rata basis, not to exceed 6 months' base salary. This additional severance benefit shall be provided only if the termination from City employment is involuntary.

2. Current Executive Employees Appointed As Executives on or After January 1, 1989, and before January 1, 2000. Executive employees, appointed as Executives on or after January 1, 1989 and before January 1, 2000, who are terminated not for cause, shall receive a severance benefit, but only for an involuntary termination from City employment.

The severance benefit for said employees shall be: One month's base salary pay, for each year of City employment before January 1, 2000, calculated on a pro-rata basis, not to exceed 6 months' salary.

3. Current Executive Employees Appointed As Executives on or After January 1, 2000. Executive employees, appointed as Executives on or after January 1, 2000, who are terminated not for cause, shall receive a severance benefit, but only for an involuntary termination from City employment.
  - a. Except for the position of Chief Administrative Officer, the severance benefit for said employees shall be: One week's base salary pay, determined on the effective date of termination, for each year of City employment calculated on a pro-rata basis, not to exceed 6 weeks' base salary.
  - b. The severance benefit for Chief Administrative Officer shall be: One month's base salary pay, determined on the effective date of termination, for each year of City employment calculated on a pro-rata basis, not to exceed 6 months' base salary.
4. Exception: The Mayor, with the prior written advice and consent of the City Council, may in a writing filed with the City Recorder, grant a larger severance benefit than specified under 3. above, if one is necessary to meet employment market conditions or where it would be in the City's best interests to do so.
5. Not Eligible for Benefit. The severance benefit provided herein shall not be granted to the following employees:
  - a. An employee who, at the time of termination of employment, has been convicted, indicted, charged or is under active criminal investigation concerning a public offense involving a felony or moral turpitude. This provision shall not restrict the award of full severance benefits should such employee subsequently be found not guilty of such charge or if the charges are otherwise dismissed.

- b. An employee who has been terminated or asked for a resignation by the Mayor, Chief Administrative Officer or Department Director under bona fide charges of nonfeasance, misfeasance or malfeasance in office.
- 6. Replaces Retirement Election. An employee who elects and is paid a benefit by the City pursuant to retirement election is not eligible to receive a severance benefit as provided herein, except as provided under paragraph A.1.a. above.

#### XVIII. 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.

#### XIX. APPROPRIATION OF FUNDS

All provisions in this compensation plan that involve the expenditure of funds are subject to appropriation of funds for such purposes.

## **APPENDIX A – ELECTED OFFICIALS SALARY SCHEDULE**

**Bi-Weekly Rates  
July 1, 20062007**

Mayor	<del>\$4182.60</del> \$4,354.50
Council Members	<del>\$836.52</del> \$870.90

# APPENDIX B - EXECUTIVE SALARY SCHEDULE

## Bi-Weekly Rates - July 1, 20062007

Range Class	Range Min	Range Mid	Base Max	Range Max	Position
099	\$ 5,623.20	\$ 7,310.40	\$ 8,041.60	\$ 8,996.80	Executive Director of Airports
	\$ 5,792.00	\$ 7,529.60	\$ 8,283.20	\$ 9,266.40	
001	\$ 3,619.20	\$ 4,700.80	\$ 5,171.20	\$ 5,782.40	City Attorney
	\$ 3,728.00	\$ 4,841.60	\$ 5,326.40	\$ 5,956.00	Chief Adm. Officer/Director, Mgt. Services
002	\$ 3,303.20	\$ 4,290.40	\$ 4,720.00	\$ 5,276.80	Chief of Police
	\$ 3,402.40	\$ 4,419.20	\$ 4,861.60	\$ 5,435.20	Director - Public Utilities
					<b>Deputy Director - Management Services</b>
					Director - Public Services
					Fire Chief
					Director - Community & Economic Development
					Executive Director - City Council
					Deputy City Attorney
003	\$ 3,121.60	\$ 4,028.00	\$ 4,430.40	\$ 4,933.60	Chief of Staff
	\$ 3,215.20	\$ 4,148.80	\$ 4,563.20	\$ 5,081.60	Senior Advisor
					Senior Advisor for Economic Development
					Executive Assistant Chief - Police
					Deputy Director - Public Services
					<del>Deputy Director - Management Services</del>
					Deputy Director - Public Utilities
					Director of Operations - Airport
					Director - Adm. & Commercial Services
					Director - Finance & Accounting - Airports
					<b>Director of Airport Maintenance</b>
					<b>Director of Engineering - Airport</b>
					City Engineer
					City Prosecutor
					Chief Information Officer
					Director, Redevelopment
					<b>Finance Director</b>
004	\$ 2,841.60	\$ 3,666.40	\$ 4,032.80	\$ 4,491.20	Assistant Chief - Police
	\$ 2,927.20	\$ 3,776.00	\$ 4,153.60	\$ 4,625.60	Deputy Fire Chief
					Planning Director
					Deputy Director - City Council
					Deputy Director - DCED
					Division Director - Human Resources Mgt.
					Director - Budget & Policy
					Planning, Env. & Capital Prog. Director
					<del>Finance Director</del>
					<del>Director of Airport Maintenance</del>
					<del>Director of Engineering - Airport</del>
					<b>City Treasurer</b>
005	\$ 2,686.40	\$ 3,466.40	\$ 3,812.80	\$ 4,244.80	Building Official
	\$ 2,767.20	\$ 3,570.40	\$ 3,927.20	\$ 4,372.00	Transportation Engineer
					Administrator - Public Utilities Fin. & Admin.
					Chief Engineer - Public Utilities
					Adm. Services Director - Public Services
					Water Quality & Treatment Administrator
					<del>City Treasurer</del>
					Director, Housing & Neighborhood Development
					Assistant to Mayor - Policy & Spec. Projects
					Director of Youth Programs
					<b>Sustainability Director</b>
006	\$ 2,493.60	\$ 3,217.60	\$ 3,539.20	\$ 3,941.60	Communications Director
	2,568.80	3,314.40	3,645.60	4,060.00	Recreation Director
					City Recorder
					Director - PR/Marketing - Airport
					City Courts Director
					Chief Procurement Officer
					<del>Director, Gullivan Center &amp; Community Events</del>

No position(s) within this Executive Compensation Plan shall be removed from this Plan without authorization from the City Council.

No position(s) shall be added to this Plan without authorization from the City Council.

# APPENDIX C

# EXECUTIVE RETIREMENT

UTAH STATE RETIREMENT CONTRIBUTIONS FY 2006/20072007/2008				
UTAH STATE RETIREMENT SYSTEM	EMPLOYEE CONTRIBUTION	TOTAL EMPLOYEE CONTRIBUTION PAID BY CITY	TOTAL EMPLOYER CONTRIBUTION	GRAND TOTAL CONTRIBUTION
<b><u>Exempt Plan</u></b>				
Department Heads	0	0	18%	18%
Mayor's Chief of Staff	0	0	18%	18%
Up to two additional senior executives in the Mayor's Office as specified by the Mayor	0	0	18%	18%
<u>Executive Director, City Council</u>	0	0	18%	18%
<b><u>City Engineer</u></b>	0	0	13%	13%
<b><u>Other Executives</u></b>				
Public Employee Contributory Retirement System	0	6.00%	<del>7.58%</del> 7.61%	<del>13.58%</del> 13.61%
Public Employee Non-Contributory Retirement System	0	0	<del>11.59%</del> 11.62%	<del>11.59%</del> 11.62%

All or a portion of the Exempt Plan contributions may be contributed to a 401 or 457 deferred compensation plan.



## **APPENDIX D**

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 D**

### **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 D

- 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 D

- 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 D

### 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 D

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