



## HUMAN RESOURCES DEPARTMENT

**DATE:** November 28, 2016  
**FROM:** Robert McConnell, Director of Human Resources  
**ITEM:** Waiver of Use or Lose Annual Leave Balance for Public Safety

### REQUEST

Please consider approval to waive the Annual Leave use or lose policy for Public Safety that has been affected by DAPL mutual aid activities.

Please place this item on the December 13, 2016 City Commission meeting.

### BACKGROUND INFORMATION

The City of Bismarck Public Safety departments have not been able to take leave due to the mission impact of DAPL activities. Officers have either had their leave cancelled or have not been able to take leave so that they would be available to support Morton County in mutual aid for the DAPL project. Many of these officers are in a use or lose status and would lose leave under City's Annual leave Policy "Annual leave accrued in excess of a total of three hundred sixty hours (360) for all covered employees or four hundred seventy seven hours (477) for fire fighters is forfeited without compensation on the day before the start of the last full pay period of any year." Please consider waiving this policy for Public Safety personnel through June 30, 2017 which should give officers a chance to take leave before losing it.

### RECOMMENDED CITY COMMISSION ACTION

The Human Resource department recommends approval of a public safety waiver of the City use or loses policy through June 30<sup>th</sup> 2017.

### STAFF CONTACT INFORMATION

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## ANNUAL LEAVE

Annual leave shall accrue and be taken as follows:

- 1) Eligible regular full-time employees working a forty-hour week (average) are granted annual leave with pay based upon their total years of service with the City except that an employee who leaves employment with the City and then returns to employment with the City more than five (5) years after leaving employment shall not retain the prior years of service for purposes of determining annual leave. Annual leave shall be awarded as follows:

<u>Years of Service</u>	<u>Hours per Month</u>	<u>Year Hours per</u>
0-3	8	96
4-7	10	120
8-12	12	144
13-18	14	168
over 18	16	192

An hour of leave shall be used for each hour of absence from employment.

- 2) Fire employees who have a regular work week in excess of forty (40) hours per week are granted annual leave at a rate adjusted to take into account the extra hours so that their annual leave is comparable to the leave granted for 40-hour per week employees. Eligible fire employees are granted annual leave with pay based upon their total years of service with the City except that a fire employee who leaves employment with the City and then returns to employment with the City more than five (5) years after leaving employment shall not retain the prior years of service for purposes of determining annual leave. Annual leave shall be awarded as follows:

<u>Years of Service</u>	<u>Hours per Month</u>	<u>Hours per Year</u>
0-3	10.6	127.2
4-7	13.3	159.6
8-12	15.9	190.8
13-18	18.6	223.2
over 18	21.2	254.4

An hour of leave shall be used for each hour of absence from employment.

- 3) Annual leave accrued in excess a total of three hundred sixty hours (360) for all covered employees or four hundred seventy seven hours (477) for fire fighters is forfeited without compensation on the day before the start of the last full pay period of any year.

- 4) Annual leave with pay may be taken by the employee at such time as approved by the head of the Department. Hours for the days the employee would normally have off shall not be counted in the vacation period. No employee may waive leave for the purpose of receiving double compensation.
- 5) Regular part-time employees shall earn a pro-rated number of working days vacation payable at their usual rate of compensation.

Approval Date: 01/28/97

Revision Date: 03/24/09, 01/11/05 (retroactive in application to 10/1/03)