

SECTION XIX: LEAVE

1. ABSENT WITHOUT LEAVE.

- A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the Executive Director, or designee.
- B. Any employee who is absent for three (3) or more consecutive work days without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. However, where extenuating circumstances are found to have existed, such absence may be covered by the Executive Director, or designee, by subsequent grant of leave with or without pay as the circumstances dictate.

2. VACATION LEAVE.

- A. Each full-time benefited employee, working 40 hours per week shall receive vacation leave at the following rate:
 - (1) Hire date through the 5th year vacation leave shall accrue at the rate of 3.08 hours per pay period for a total of eighty (80) hours per payroll fiscal year.
 - (2) Beginning of the 6th year through the 10th year vacation leave shall accrue at the 4.62 hours per pay period for a total of one hundred and twenty (120) hours per payroll fiscal year.
 - (3) Beginning of the 11th year of service, vacation leave shall accrue at 6.15 hours per pay period for a total of one hundred and sixty (160) hours per payroll fiscal year.
- B. Full-time benefited employees classified as 80% employees, working 32 hours per week shall receive vacation leave at the following rate:
 - (1) Hire date through the 5th year vacation shall accrue at the rate of 2.46 hours per pay period for a total of sixty-four (64) hours per payroll fiscal year.
 - (2) Beginning of the 6th year through the 10th year vacation leave shall accrue at the 3.69 hours per pay period for a total of ninety-six (96) hours per payroll fiscal year.

- (3) Beginning of the 11th year of service, vacation leave shall accrue at 4.92 hours per pay period for a total of one hundred and twenty-eight (128) hours per payroll fiscal year.
- C. New employees shall accrue annual vacation leave from the date of hire, however are not eligible to use accrued leave until satisfactorily completing the probationary period. Unless otherwise specified, the minimum probationary period shall be six (6) months. In extenuating circumstances, the Executive Director with support of the Board of Trustees, may choose to approve annual vacation leave request for a new employee, during their probationary period.
- D. Each department head will issue approval or disapproval on all annual vacation leave requests. The maximum duration of requested annual vacation leave may not exceed 10 consecutive (2 weeks) working days. If an employee requests more than 10 consecutive (2 weeks) working days of annual vacation leave, the request must be approved by the Executive Director with support of the Board of Trustees.
- E. The maximum vacation leave which can be accrued and carried forward from payroll fiscal year to payroll fiscal year is three hundred and twenty (320) hours. Any accrued annual vacation leave in excess of three hundred and twenty (320) hours shall be forfeited on the first day of the new payroll fiscal year.
- (1) Employees who were benefitted in 2008 and had hours in excess of 320 hours on the last day of the 2008 payroll fiscal year will be allowed to bank excess hours over the maximum 320 hours on the last day of the payroll fiscal year of 2008. These hours will remain in the employee's banked account until termination of employment from the Service Area and will be paid with all other payable benefits at the rate of pay at termination.
- a) Eligible benefitted employees may convert sick hours to vacation hours per the sick leave policy on the last day of the payroll fiscal year for 2008 and any excess hours over 320 will be banked in the vacation account as explained in E.1)
 - b) No additional hours may be added to the banked vacation hours after the last day of the payroll fiscal year 2008.
 - c) As approved by the Executive Director or designee, an employee may request the use of their banked vacation hours when all other accumulated vacation has been taken.

- F. A holiday that falls during an employee's vacation leave shall be counted as a paid holiday and not as vacation leave.
- G. Full-time and 80% full-time employees who separate from employment will be compensated for all accrued vacation leave.
 - (1) Former employees rehired in a full-time position with reinstatement rights and who receive leave benefits, will be allowed to count the previous number of years of service towards current vacation accrual.
- H. Probationary employees will not be compensated for any accrued vacation leave if they are terminated from employment during their probationary period.
- I. All vacation leave requests should be submitted a reasonable time in advance of the desired time off to the Department Head and approved by the Executive Director or designee. If an excessive number of employees request annual vacation leave for the same time period, vacation leave shall be granted in order of application (first-come-first-served) at the discretion of the Executive Director, or designee.
- J. Official vacation leave records will be maintained and kept current by Human Resources and are available upon request by the individual employee.
- K. Vacation leave will not accrue during periods when an employee is on leave without pay.
- L. Use of Vacation leave may not put an employee's weekly hours over the typical 40-hour work week requirement, or 32-hour work week requirement as per job description. Vacation hours may only be used to fulfill the 40-hour work week requirement or the 32-hour work week requirement.
- M. Vacation use will be reported to the Executive Director by Human Resources.
- N. Persons hired on an emergency, part-time, seasonal, temporary or contract basis shall not accrue vacation leave but shall request leave in the following manner:
 - (1) All time off requests must be requested in writing to the appropriate Supervisor and then approved by the Department Head, so that adequate staffing is maintained.
 - (2) Days off will not be compensated.

3. HOLIDAY LEAVE.

A. The following holidays are dates recognized by Cottonwood Heights Parks & Recreation Service Area as holidays. A holiday noted with an * is considered a premium holiday when the Service Area is open for a limited schedule to accommodate the public or not open at all (Christmas). Martin Luther King Jr. Day, Presidents Day, Juneteenth, and Veteran's Day are considered to be "non-premium" holidays when the Service Area is open for a full normal schedule and treated as a normal working day.

- (1) *New Year's DayJanuary 1st
- (2) Martin Luther King Jr. Day.....3rd Monday in January
- (3) President's Birthday.....3rd Monday in February
- (4) *Memorial DayLast Monday in May
- (5) Juneteenth.....June 19th
- (6) *Independence DayJuly 4th
- (7) *Pioneer Day.....July 24th
- (8) *Labor Day.....1st Monday in September
- (9) Veterans Day.....November 11th
- (10) *Thanksgiving Day4th Thursday in November
- (11) *Christmas DayDecember 25th

B. Full-time and 80% Benefited Employees' Holiday Pay

- 1. Full-time and 80% benefited employees receive the above mentioned premium and non-premium holidays as a paid 8-hour day at their normal rate of pay.
- 2. Full-time and 80% benefited employees, who are required to work on a premium holiday, will be compensated at time and one half. The employee will then be allowed to take their 8 hours of holiday pay, at an approved time, during that same pay period.

3. During a holiday week, Full-time benefited employees are expected to work 32 hours in order to fulfill the 40-hour work week requirement.
 - i. Any hours physically worked above 32 hours will be converted to straight COMP.time.
 - ii. If an employee falls short of working the expected 32 hours Sick, Vacation, and Comp Time leave, may be appropriately used, per policy, to fulfill an employee's required work week hours.

4. During a holiday week, 80% benefited employees are expected to work 24 hours in order to fulfill the 32-hour workweek requirement.
 - i. Any hours physically worked above 24 hours will be converted to straight COMP time.
 - ii. If an employee falls short of working the expected 24 hours Sick, Vacation, and Comp Time leave, may be appropriately used, per policy, to fulfill an employee's required work week hours.

5. Holiday pay will be paid to an eligible employee, who is on leave, only if that employee is on paid leave the workday preceding the holiday and/or the workday following the holiday. Paid leave includes but is not limited to approved vacation or sick leave, worker's compensation, etc.

6. Personal Preference Day. All full-time and 80% benefited employees are entitled to a personal preference day each year. This day can be used at any time with the supervisor's approval but is generally used as the first day of requested vacation leave unless the employee makes other arrangements approved by the Executive Director or designee. If the personal preference day is not used by the last day of the calendar year, it will be forfeited.

C. Temporary and Part-time Employees' Holiday Pay:

1. All temporary and part-time employees scheduled to work on a premium holiday will be paid at the rate of time and one half.

2. All temporary and part-time employees scheduled to work on a non-premium holiday will be paid at their normal rate of pay for the hours worked.

- D. When a premium or non-premium paid holiday falls on a Saturday or Sunday, Cottonwood Heights Parks & Recreation Service Area will observe the holiday for purposes of taking a paid holiday on the day determined by the State of Utah to be used for the holiday (generally, if the holiday falls on a Saturday the holiday will be taken on Friday. If it falls on a Sunday, the holiday will be taken on Monday). All employees scheduled to work on the official holiday (not the day designated by the State), will be paid at the rate of time and one-half if the holiday is a premium holiday.

4. SICK LEAVE.

- A. Purpose. Sick leave shall not be considered as a privilege that an employee may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or immediate family of the employee.
- B. Use of sick leave. Sick leave may be used at any time with approval of the Executive Director or designee for any of the following reasons:
 - (1) When the employee is unable to perform their regular duties or other temporary work to which they may be assigned.
 - (2) Visits to hospitals, clinics, doctor's and dentists' offices for diagnosis or treatment of illness or injury or examination.
- C. Eligibility. Sick leave shall be available to all full-time and 80% benefitted employees. Sick leave will be available for use as it is accumulated from date of hire.
 - (1) Use of Sick leave may not put an employee's weekly hours over the typical 40-hour work week requirement, or 32-hour work week requirement as per job description. Sick hours may only be used to fulfill the 40-hour work week requirement or the 32-hour work week requirement.
 - (2) Upon notification of resignation and/or retirement, employees are no longer eligible to use accrued sick leave. However, in extenuating circumstances, the Executive Director with support of the Board of Trustees, may choose to approve sick leave use.
- D. Accrual. Sick leave for full-time benefitted employees (40 hours per week) is accrued at the rate of 4 hours per pay period for a total of one hundred and four (104) hours per payroll fiscal year. Sick leave for benefitted, 80% employees (32 hours per week) is accrued at 3.20 hours per pay period for a total of eighty-

three point 2 (83.2) hours per payroll fiscal year. The employee will accrue sick leave immediately upon being hired by Cottonwood Heights Parks and Recreation Service Area. Sick leave shall not accrue if an employee is on a leave-without-pay status. Records will be kept by Human Resources.

- E. The maximum sick leave which can be accrued and carried forward from payroll fiscal year to payroll fiscal year is three hundred and twenty (320) hours. Any accrued annual sick leave in excess of three hundred and twenty (320) hours shall be forfeited on the first day of the new payroll fiscal year.
- (1) Employees who are benefitted in 2019 and have hours accumulated in excess of 320 hours, are allowed to bank any hours accumulated over 160 hours on the last day of the 2019 payroll fiscal year. These hours will remain in the employee's banked sick accrual account until termination of employment from the Service Area. Please refer to G.1 and G.2 for the explanation of sick leave benefit payout.
 - (2) Eligible full-time and 80% benefitted employees may convert sick hours to vacation hours per the sick leave policy on the last day of the 2019 payroll fiscal year.
 - (3) No additional hours may be added to the banked sick hours after the last day of the 2019 payroll fiscal year.
 - (4) As approved by the Executive Director or designee, an employee may request to use of their banked sick hours when all other accumulated sick hours have been taken.
- F. Full-time and 80% benefitted employees with one year of continuous service, may convert sick leave to vacation leave if they have taken less than 40 hours of sick leave by the last day of the payroll fiscal year. For every hour of sick leave taken, a deduction from the maximum of 40 hours (32 hours for 80% employees) will be taken to create the maximum amount of sick leave that may be moved to vacation time. Example: if during the payroll fiscal year 20 hours of sick time is taken, only 20 hours remain to be converted to vacation time for a 40 hour per week full-time employee. An employee may only convert sick leave to vacation leave if they meet the restrictions above and have a minimum of 40 hours (32 hours for 80% employees) remaining in their sick leave account. Sick leave conversion may not exceed the allowed 320 hours of accrued vacation in the employees' vacation account. [See exception for 2008 under, 2. Vacation Leave. E.(1)(a) and (b).]

G. Termination: An employee who meets the age/years of employment guidelines as established by Utah Retirement Systems, shall be eligible for the following sick leave benefits:

(1) Full-time and 80% benefited employees will be paid 25% of the total number of accrued sick leave hours at the employee's pre-retirement hourly rate of pay. This amount will be paid in total at the time of retirement and considered as taxable income. Utah Retirement Systems' rules and regulations apply should an employee wish to contribute their payout into a contributory pension plan.

H. Sick Leave Notification

(1) In order to qualify for sick leave, an employee must notify the Executive Director, or designee, no later than one (1) hour after normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The Executive Director, or designee, should also be kept advised of the employee's progress and expected date of return to duty.

(2) Any absence for illness beyond accrued sick leave will result in the employee being carried on annual leave status until all annual leave has expired, then be carried in a leave-without-pay status with approval of the Executive Director or designee.

I. Certification of Illness. For sick leave in excess of three (3) consecutive working days, or if abuse of sick leave is indicated, the Executive Director, or designee, may require a certificate from the attending physician stating that such illness prevented the employee from working.

5. MATERNITY LEAVE.

A. An employee who becomes pregnant, or whose legal or common-law spouse becomes pregnant, may continue working, prior to the birth of the child, until such time as the employee can no longer satisfactorily perform the essential functions of their duties. The Executive Director, or designee, may grant an employee the use of annual vacation leave (if applicable), sick leave (if applicable), and/or leave without pay for an approved, agreed upon and reasonable amount of time. An eligible employee is also free to use Family and Medical Leave Act of 1993, which is defined as, twelve (12) weeks of unpaid-job protected leave in a twelve (12) month period, intermittent leave (subject to approval), reduced leave (subject to approval); or may choose to use any of the

above previously mentioned applicable leaves. Regulations governing annual vacation leave, sick leave, and leave without pay will apply.

- B. Cottonwood Heights Parks and Recreation Service Area may fill vacancies created by maternity leave with temporary or provisional appointments. At the expiration of the maternity leave, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of maternity leave shall be considered a voluntary resignation of their position and employment without notice.
6. **INJURY LEAVE.** Any employee injured on the job, however slightly, must report the fact immediately to the Executive Director, or designee. It shall be the duty of the Executive Director, or designee, to obtain information regarding the accident or injury and to complete and submit such reports as are required. Compensation will first be provided through Workers Compensation if eligible. Unused sick leave or vacation leave may be granted in accordance with applicable rules and regulations. During unpaid injury leave periods, vacation leave, sick leave, or time toward yearly performance evaluation shall not accrue, unless an exception is granted by the Executive Director, with approval of the Board. However, injury leave for periods greater than six (6) months shall in no case be granted. Furthermore, eligibility for such leaves requires conformance with all workmen's compensation regulations.
 7. **MILITARY LEAVE.** Cottonwood Heights Parks and Recreation Service Area recognizes the obligation of employees to fulfill military duty and training requirements in the United States uniformed services. Military leave is available in accordance with the Uniformed Services Employment and Re-Employment Rights Act ("USERRA") and other applicable federal and state laws. Questions regarding military leave should be directed to Human Resources.
 8. **JURY LEAVE.** All temporary, part-time, full-time employees may be granted leave with pay when performing jury duty or when required to serve as a witness in any Cottonwood Heights Parks and Recreation Service Area litigation in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel and expense allowance, received by the employee must be turned back to Cottonwood Heights Parks and Recreation Service Area for a full day pay from the Service Area as per the schedule. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits which he has initiated.
 10. **BEREAVEMENT LEAVE.** The Executive Director, or designee, shall grant a full-time and 80% benefited employee up to five (5) days of paid bereavement leave to allow employees to grieve, attend the funeral services or a memorial, or deal with financial and legal matters that may come up after the death of the employee's legal or common-

law spouse, child, step-child, daughter or son-in-law, parent, step-parent, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, spouses' grandparent, brother or sister. Bereavement leave shall not be charged against accrued annual vacation or sick leave.

- A. Death of other relatives or friends will be allowed a maximum of five (5) hours to attend the funeral.
- B. If additional time off is beyond what is permitted in this policy is necessary, an employee may request to use vacation or leave without pay as appropriate.
- C. In the event of the death of a member of the immediate family while an employee is on vacation, the vacation will be extended by an amount of time determined by the Executive Director or designee.

11. ADMINISTRATIVE LEAVE WITH PAY.

- A. While performing authorized duties a full-time benefited employee may be granted administrative leave with pay to perform authorized duties in connection with Cottonwood Heights Parks and Recreation Service Area business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of Cottonwood Heights Parks and Recreation Service Area.
- B. Pending possible disciplinary action a full-time benefited employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

12. LEAVE WITHOUT PAY.

- A. The Executive Director may grant an employee leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.
- B. A leave without pay shall not constitute a break in service. However, during a leave without pay period in excess of fourteen (14) calendar days, an employee's annual vacation leave, sick leave, and time toward their performance evaluation,

if applicable, shall not accrue. Benefit premiums charged to the employee must be paid by the employee during leave without pay.

C. Leave without pay shall be granted:

- (1) For education purposes when the employee's course of study will be of direct benefit to Cottonwood Heights Parks and Recreation Service Area, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period.
- (2) To attend funerals not covered by the funeral leave policy.
- (3) To attend to an ill or injured member of the employee's immediate family when the absence is not covered by sick leave or vacation and in accordance with the Family Medical Leave Policy.

D. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the Executive Director may decide where the leave without pay is warranted.

- (1) DOCUMENTATION OF LEAVE. The above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the Executive Director, or their designated representative, as soon as possible. In some cases, where official is not available, the Executive Director, or their designate representative, may request that the employee supply additional information in writing to support the absence.

APPROVED AND PASSED THIS 17th DAY OF April, 20234^{ad}



COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA

By: *Ben Hill*

Ben Hill, Executive Director

BOARD OF TRUSTEES

By: *Bart Hopkin*

Bart Hopkin, Chairperson

RESOLUTION NO. 2024-4

A RESOLUTION ADOPTING CHANGES TO A PERSONNEL POLICY OF THE COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA POLICY XIX-LEAVE

WHEREAS, the Cottonwood Heights Parks and Recreation Service Area Board of Trustees has adopted Policy XIX-Leave;

WHEREAS, the Board of Trustees of the Cottonwood Heights Parks and Recreation Service Area adopts changes to Policy XIX- Leave;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA AS FOLLOWS:

1. **Adoption.** The Board of Trustees of the Cottonwood Heights Parks and Recreation Service Area adopts Policy XIX- Leave;
2. **Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidly or unenforceability, shall not affect any other portion of this Resolution, and all sections, parts and provisions shall be severable.
3. **Effective Date.** This Resolution shall become effective immediately upon its passage

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA ON THIS 17th DAY OF APRIL 2024.

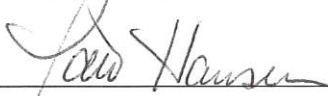
COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA



Bart Hopkin, Chair



Dan Morzelewski



Patti Hansen



Attest: Lyse Durrant