



RESOLUTION 2019-088

AMENDING THE EMPLOYEE MANUAL IN ORDER TO IMPLEMENT THE RECOMMENDATIONS OF THE PTO SUBCOMMITTEE

WHEREAS, on July 17, 2018, the City Council formed a subcommittee to review and make recommendations regarding Paid Time Off (PTO) for City employees and related issues (the "PTO Subcommittee"), consisting of Council President Tim Rosener and Councilors Renee Brouse and Kim Young; and

WHEREAS, the PTO Subcommittee met several times over the ensuing months to conduct its review and develop and refine its recommendations; and

WHEREAS, the Subcommittee's final recommendations, presented as modifications to the applicable policies currently contained in the City's Employee Manual, are attached hereto as Exhibit A; and

WHEREAS, the Subcommittee presented and discussed its recommendations with Council during a public meeting on December 3, 2019; and

WHEREAS, after reviewing and considering the recommendations of the PTO Subcommittee, the City Council has determined that it is necessary and appropriate to amend the Employee Manual in order to implement said recommendations.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The indicated provisions of the Sherwood Employee Manual are hereby amended as set forth in Exhibit A.

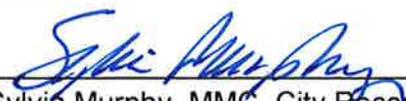
Section 2. The administrative policy regarding PTO cash-out that was approved by Resolution 2016-011 on March 1, 2016 is hereby repealed, and all other contrary policies are hereby superseded.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 3rd day of December, 2019.


Keith Mays, Mayor

Attest:


Sylvia Murphy, MMC, City Recorder

6.2 PAID TIME OFF

6.2.1 Description – The City shall provide a program of earned time off for regular full and part time employees, which can be used to meet the employees’ needs or desires for paid time off from work. The Paid Time Off (PTO) Program is a consolidation of, and in lieu of ~~the first day of sick leave~~, paid floating holidays, personal leave, and vacation leave. ~~Use of such days are subject to employee discretion.~~

6.2.2 PTO Accrual – PTO accrual rates are determined by a regular employees’ length of continuous service with the City. Full time employees shall accrue PTO each pay period at the following rate:

Years of Continuous Service	Accrual Rate Per Pay Period	Yearly Accrual Rate	Maximum Accrual
< 3 years	5.23 hours	17 days	26 days
=> 3 years	5.85 hours	19 days	29 days
=> 6 years	6.46 hours	21 days	32 days
=> 9 years	7.08 hours	23 days	35 days
=> 12 years	7.69 hours	25 days	38 days
=> 15 years	8.31 hours	27 days	41 days

Part time employees shall accrue PTO at a prorated rate of full time employees. Eligible employees are paid hours proportionate to the percentage of hours worked to a full 40 hour work week.

6.2.3 Trial Employees – PTO accrued during the first six (6) months of continuous service shall not be used until the employee completes the initial six (6) month trial period. Any accrued but unused PTO benefits shall be forfeited and will not be paid if employee is terminated or resigns prior to completion of the initial six-month trial period.

6.2.4 Maximum Accrual – Leave benefits which are earned may be accrued to a maximum of one and one half (1 ½) times the employee’s annual accrual rate (rounded up). Employees will not accrue or be paid for any leave in excess of one and one half times. However, the City may approve temporary accruals and carryovers of more than the maximum allowable amount when the employee is unable to take time off due to City staffing and work load requirements, or other legitimate reasons, that in the opinion of the Department Head, make use of accrued paid time off benefits unfeasible. Temporary accruals in excess of the allowable amount shall be approved in writing by the City Manager.

6.2.5 Procedure for Use of PTO

a. To schedule days off other than for illness or injury, an employee must submit a request to the immediate supervisor as far in advance as possible. All requests will be granted on a “first come, first served” basis. The immediate supervisor shall respond with the

approval or denial within one (1) week of receipt of the request. All requests must be made in writing to be considered. Requests may be denied based upon staffing and workload requirements of the City. Approval of requests will not be unreasonably withheld.

b. Employees must indicate in writing the number of PTO hours for which payment is requested. The combined total of hours worked and PTO hours cannot exceed the normal working time in any given pay period, except for authorized overtime.

c. For illness or injury, the employee must notify the immediate supervisor as soon as possible. If the illness extends beyond one (1) day, daily calls must be made to keep the supervisor informed, unless otherwise arranged between the supervisor and the employee.

6.2.6 Cash Out –

a. Regular employees that have completed the initial six month trial period shall be paid in one (1) lump sum for any accrued but unused PTO benefits only upon layoff, resignation or dismissal, **except as provided in this section.**

b. Upon written request by an employee and written approval by the City Manager, an employee shall be allowed to convert a block of up to forty (40) hours of accrued PTO time into cash at the employee's then-current rate of pay once per fiscal year, during the months of November, December, and January. In order to be eligible for the cash-out, the employee must have already taken at least eighty (80) hours of PTO within the past twelve (12) month period. Employees will be required to maintain a balance of a minimum of eighty (80) hours of accrued PTO, after cash-out, in order to be eligible for cash-out under this policy. The City Manager will approve or deny any such PTO cash-outs in writing and may disallow or reduce the requested cash-out based on the ability of City finances to absorb the cost.

6.2.7 Sick Leave Accrual – Regular full time employees shall accrue ~~eight (8) hours of sick leave per month~~ sick leave at a rate of one point eight five (1.85) hours for every forty (40) hours worked (approximately 12 days per year), which may only be used consistent with the Oregon Sick Leave Law, Oregon Family Leave Act, and Family Medical Leave Act ~~for absences resulting from injury or illness in excess of one (1) day~~, or emergency leave. Regular part time employees shall accrue sick leave proportionate to the percentage of hours worked to a full 40 hour work week. Sick leave will be accrued in a separate bank and employees will not accrue or be paid any sick leave in excess of 720 hours.

~~**6.2.8 Applicability –** Sick leave benefits may be used by regular employees for absences due to personal injury, illness or temporary disability in excess of one (1) day, which keeps the employee from performing their regular duties. Sick leave benefits may also be used for absences occasioned by the illness or injury of an immediate family member, or for reasons associated with the Family Leave Act.~~

~~**6.2.9 PTO Usage with Sick Leave –** If an employee misses one day of work for an injury, illness or temporary disability, the first day of paid leave shall come from the bank of accrued PTO leave unless the employee provides notice from a health care provider justifying the need for leave, in which case an employee may access sick leave accrual~~

~~immediately. In the event that all PTO and/or comp time leave has been exhausted, the first day shall be unpaid leave. Any additional leave necessary for an injury, illness or temporary disability in excess of the first day of PTO shall come from the bank of accrued sick leave. When an employee is absent on more than one occasion for the same occurrence, within a thirty day period, only one day of PTO is required prior to utilizing paid leave from the employees' accrued bank of sick leave.~~

~~**6.2.10 Calculation** – For the purpose of calculating the first day of leave for regular employees working less than forty (40) hours per week, hours shall be proportionate to the percentage of hours worked to a full 40-hour work week.~~

6.2.118 On-the-Job-Injury – When an employee is absent from work because of an on-the-job injury, time off will not be charged to sick leave except as provided below. The employee may select one of the following options:

- a. The employee may elect to receive only his/her worker's compensation payments.
- b. The employee may voluntarily turn in their first and all subsequent worker's compensation payments and will, in turn, receive their regular gross wages, and the following will occur:

Employees shall use available sick leave for integration with their worker's compensation payments in order to receive their regular gross wages. In this situation a check for full gross wages will only be received if the employee has available sick leave. Deduction to sick leave shall be proportional to the difference between the worker's compensation payments and regular gross wages.

In the event an employee withholds any of his/her worker's compensation payments, compensation will fall into the integration of sick leave formula described above from the first day of injury. In the event this occurs, the City can automatically deduct any overpayment in full from the employee's next paycheck, or any subsequent checks if there is not a sufficient amount in the next paycheck.

6.2.9 Administrative Leave –

a. Employees exempt from overtime pay may receive an administrative compensation credit of paid time off (distinct from PTO) each calendar year based on their classification as indicated below:

<u>12 hours</u>	<u>20 hours</u>	<u>40 hours</u>
<u>Business Systems Analyst</u>	<u>Fleet Supervisor</u>	<u>Art Center Manager</u>
<u>Public Works Program Analyst</u>	<u>Public Works Operations Supervisor</u>	<u>Human Resources Manager</u>
	<u>Engineering Associate II</u>	<u>Public Work Utility Supervisor</u>
	<u>Building Official</u>	<u>Library Manager</u>
	<u>Civil Engineer</u>	<u>City Recorder</u>
	<u>Supervising Accountant</u>	<u>Planning Manager</u>

	<u>Court Supervisor</u>	<u>City Engineer</u>
		<u>IT Director</u>
		<u>Community Develop Director</u>
		<u>Finance Director</u>
		<u>Public Works Director</u>
		<u>Community Services Director</u>
		<u>Police Chief</u>
		<u>Police Captain</u>
		<u>Utility Manager</u>
		<u>Senior IT Analyst</u>
		<u>Systems Administrator</u>
		<u>Senior Network Engineer</u>
		<u>Economic Development Manager</u>
		<u>Library Operations Supervisor</u>
		<u>Executive Assistant</u>
		<u>Administrative Assistant III-Conf.</u>
		<u>Recreation Supervisor</u>
		<u>Adult Community Center Manager</u>

b. The City Manager may, in his or her sole discretion, add, remove, or otherwise alter the placement of classifications in the matrix in subsection (a) above.

c. Administrative leave is credited in the payroll period closest to January 1 of each year and must be used by the end of the calendar year or it is forfeited. No administrative leave shall be carried over to the next calendar year, nor shall unused administrative leave be converted to compensation.

d. Employees appointed to a qualifying position after the first of the year may be granted administrative leave on a prorated basis. Eligible employees transferring to an ineligible position after the first of the year will forfeit any unused administrative leave.

e. Employees are to schedule administrative leave in the same manner as PTO with the approval of their supervisor.