

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.00A – FLEX-LEAVE NON-BARGAINING OVERTIME EXEMPT

BACKGROUND

All paid leave will be included in one policy that will allow greater flexibility for employees and easier administration for the management staff. With a few exceptions, employees will manage their own paid leave. The policy will include two leave accounts: (1) FLEX-LEAVE and (2) Long-term Illness/Injury (LTII). The Long-term Illness/Injury account is correlated to the Long-term Disability (LTD) insurance waiting period of 90 calendar days or 520 regular scheduled work hours.

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide a Flex-Leave program that will include all paid leave except as listed below.

1. Exclusions – This policy **does not** include, nor does it apply to: (1) regularly scheduled holidays, (*i.e.*, *Christmas, New Year's Day, Thanksgiving, etc.* – *Reference Policy 5.03 for approved holidays*), (2) workers compensation, (3) jury duty, or 4) military leave.
2. Scope – This policy is applicable to all non-bargaining employees who are **not** eligible to earn overtime compensation.
3. Exceptions – An employee on an unpaid leave of absence in excess of 30 days will not accrue Flex-Leave. Accrual will apply to the first 30 days only.
4. Definitions
 - a. ANNIVERSARY DATE: Employee's last date of hire as a regular employee with the City.
 - b. FLEX-LEAVE ACCOUNT: Current accumulations of paid leave.
 - c. LONG-TERM ILLNESS/INJURY ACCOUNT: Accumulated paid leave accessed **only** for medical reasons (as a result of illness/injury) and **only** after 40 hours of flex-leave taken for the illness or injury, and/or unpaid leave if all paid leave has been exhausted. Holidays may not be used to meet the 40 hour requirement, and have the effect of extending the 40 hour period. Administrative leave may not be used to meet any part of the 40 hour requirement. The 40 hours will be pro-rated for regular part-time employees according to the full-time equivalent workweek budgeted for position.
 - d. SCHEDULED LEAVE: This paid flex leave requires notification by the employee and approval received from the department head or designee. Approval

Effective: 01/01/99
Adopted: 10/28/98 (*Resolution 2116-10-98*)
Revised: 05/31/00 (*Resolution 1095-05-00*)
Revised: 12/29/04 (*Resolution 2646-12-04*)
Revised: 04/19/06 (*Resolution 0512-04-06*)
Revised: 03/10/10
Revised: 04/11/11
Revised: 01/01/12
Revised: 04/02/12
Revised: 01/23/13
Revised: 06/01/15
Revised: 06/01/16

of scheduled leave by the department head or designee is subject to the operational needs of the department.

SPECIFIC PROVISIONS

1. Employees will have two (2) paid leave accounts:
 - a. Flex-Leave
 - b. Long-term Illness/Injury (LTII)
2. Accrual of Flex Leave: Employees will accumulate paid leave in their Flex-Leave Account on a monthly basis, the first day of the month according to the following schedule (*regular part-time accrue on a pro-rata basis according to full-time equivalent workweek budgeted for position*):

Completion of 1 month through 72 months of service

Regular	16.0 hours monthly
Fire	14.7 hours monthly
Transit	19.4 hours monthly
Police	23.4 hours monthly

Completion of 72 months through 132 months of service

Regular	19.4 hours monthly
Fire	18.0 hours monthly
Transit	22.7 hours monthly
Police	26.7 hours monthly

Completion of 132 months of service and thereafter

Regular	22.7 hours monthly
Fire	21.4 hours monthly
Transit	26.0 hours monthly
Police	30.0 hours monthly

Note: Variation in accrual rates is due to different holiday schedules (See Policy 5.03 Holidays)

3. Accrual of Long-term Illness and Injury Leave:
 - a. Employees whose sick leave balances exceeded 520 hours as of January 1, 1999 (plan implementation date) will accrue 4 hours per month of LTII leave to an unlimited maximum, until they leave City employment.

Effective: 01/01/99
Adopted: 10/28/98 (*Resolution 2116-10-98*)
Revised: 05/31/00 (*Resolution 1095-05-00*)
Revised: 12/29/04 (*Resolution 2646-12-04*)
Revised: 04/19/06 (*Resolution 0512-04-06*)
Revised: 03/10/10
Revised: 04/11/11
Revised: 01/01/12
Revised: 04/02/12
Revised: 01/23/13
Revised: 06/01/15
Revised: 06/01/16

- b. All other employees will accrue 4 hours per month of LTII leave to a maximum of 520 hours (*regular part-time accrue on a pro-rata basis according to full-time equivalent workweek budgeted for position*).
4. Use of Scheduled Flex Leave: This paid leave requires notification by the employee and approval received from the department head or designee. Approval of scheduled leave by the department head or designee is subject to the operational needs of the department.
 5. Use of Long-Term Illness and Injury Leave:
 - a. Employees required to use leave for medical reasons in excess of 40 hours (see Definitions) may use accumulated paid leave from the LTII Account for any additional hours of leave for medical reasons. The employee must provide the employer with a statement from her/his attending physician certifying the employee's disabling illness or injury, and duration thereof, before the accumulated leave from the LTII Account is approved for use. For intermittent needs due to illnesses or injuries lasting more than 12 months, employees must submit a new certification from the attending physician every 12 months.
 - b. After having met the 40 hour requirement (see Definitions), employees on a concentrated medical treatment program (i.e., chemotherapy regimen, etc.) or those who have a second major illness within a 12 month anniversary year (from the onset of the first treatment or major illness) may be eligible to access the LTII account for the time spent in treatment without meeting an additional 40 hour requirement.
 - c. Employees who are medically disabled due to pregnancy must also meet the 40 hour requirement (see Definitions). Use of LTII beyond five weeks (this is the 200 consecutive hours following the 40 hours of flex leave) requires additional medical certification by the attending physician. The employee is entitled to a total of twelve weeks of absence for the birth of a child under FMLA, but use of LTII is restricted to the medical disability portion as described above. Additional flex leave, or other paid leave (or unpaid leave if paid leave has been exhausted) may be used during the duration of the twelve weeks FMLA leave. (See policy 5.14 for more information on Family and Medical Leave).
 6. Funeral Leave Not Charged to Flex or LTII Account: Funeral leave is included in the Flex Leave accrual. However, an employee is not required to use Flex Leave for the day of the funeral of a spouse, parent (step or in-law), child, step-child, sibling, grandparent, grandchild or domestic partner if the funeral is on a day an employee is normally scheduled to work.
A regular employee may be allowed necessary time off with pay to attend the funeral of a fellow worker on the payroll employed in the same department, with director approval.

Effective: 01/01/99
 Adopted: 10/28/98 (*Resolution 2116-10-98*)
 Revised: 05/31/00 (*Resolution 1095-05-00*)
 Revised: 12/29/04 (*Resolution 2646-12-04*)
 Revised: 04/19/06 (*Resolution 0512-04-06*)
 Revised: 03/10/10
 Revised: 04/11/11
 Revised: 01/01/12
 Revised: 04/02/12
 Revised: 01/23/13
 Revised: 06/01/15
 Revised: 06/01/16

7. Payment/ Carry-Over of Flex-Leave:
- a. Employees are allowed a maximum accumulation in their flex-leave account of 12 times their monthly accrual rate in effect on the employee's anniversary date. Employees have the entire anniversary month in which to use flex leave for purposes of determining the flex leave account balance.
 - b. Employees who have an accumulated balance of Flex-Leave in their accounts on their anniversary date of less than the annual accrual may elect any combination of the following:
 - i) Carry part or all of the balance into the next year,
 - ii) Transfer hours to the LTII Account.
 - c. Employees who have in excess of maximum accumulation allowed are required to transfer the excess amount to the Long-Term Illness/Injury Account.
 - d. Payment of Flex-Leave upon Separation: Employees who terminate employment with the City will receive payment for the balance in the Flex-Leave Account, accrued and posted through the employee's last day of employment..
8. Donating Flex Leave: Employees may donate Flex-Leave Account hours to another employee who is on an unpaid medical leave of absence and has exhausted all paid leave hours. Refer to policy 5.11.7 for provisions of eligibility.

Effective: 01/01/99
Adopted: 10/28/98 (*Resolution 2116-10-98*)
Revised: 05/31/00 (*Resolution 1095-05-00*)
Revised: 12/29/04 (*Resolution 2646-12-04*)
Revised: 04/19/06 (*Resolution 0512-04-06*)
Revised: 03/10/10
Revised: 04/11/11
Revised: 01/01/12
Revised: 04/02/12
Revised: 01/23/13
Revised: 06/01/15
Revised: 06/01/16

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.00B – FLEX-LEAVE NON-BARGAINING OVERTIME ELIGIBLE

BACKGROUND

All paid leave will be included in one policy that will allow greater flexibility for employees and easier administration for the management staff. With a few exceptions, employees will manage their own paid leave. The policy will include two leave accounts: (1) FLEX-LEAVE and (2) Long-term Illness/Injury (LTII). The Long-term Illness/Injury account is correlated to the Long-term Disability (LTD) insurance waiting period of 90 calendar days or 520 regular scheduled work hours.

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide a Flex-Leave program that will include all paid leave except as listed below.

1. Exclusions – This policy **does not** include, nor does it apply to: (1) regularly scheduled holidays, (*i.e.*, *Christmas, New Year's Day, Thanksgiving, etc.* – *Reference Policy 5.03 for approved holidays*), (2) workers compensation, (3) jury duty, or 4) military leave.
2. Scope – This policy is applicable to all non-bargaining employees who are **eligible** to earn overtime compensation.
3. Exceptions An employee on an unpaid leave of absence in excess of 30 days will not accrue Flex-Leave. Accrual will apply to the first 30 days only.
4. Definitions
 - a. ANNIVERSARY DATE: Employee's last date of hire as a regular employee with the City.
 - b. FLEX-LEAVE ACCOUNT: Current accumulations of paid leave.
 - c. LONG-TERM ILLNESS/INJURY ACCOUNT: Accumulated paid leave accessed **only** for medical reasons (as a result of illness/injury) and **only** after 40 hours of flex-leave taken for the illness or injury, and/or unpaid leave if all paid leave has been exhausted. Holidays may not be used to meet the 40 hour requirement, and have the effect of extending the 40 hour period. Administrative leave may not be used to meet any part of the 40 hour requirement. The 40 hours will be pro-rated for regular part-time employees according to the full-time equivalent workweek budgeted for position.
 - d. SCHEDULED LEAVE: This paid flex leave requires notification by the employee and approval received from the department head or designee no later than the end of the employee's previous work day, or what would have been the end of the previous work day had the employee been scheduled to work. Exception to the notification requirement is described in paragraph 4.a. Approval

Effective: 01/01/99
Adopted: 10/28/98 (*Resolution 2116-10-98*)
Revised: 05/31/00 (*Resolution 1095-05-00*)
Revised: 12/29/04 (*Resolution 2645-12-04*)
Revised: 03/10/10
Revised: 04/11/11
Revised: 04/02/12
Revised: 01/23/13
Revised: 06/01/16

of scheduled leave by the department head or designee is subject to the operational needs of the department.

- e. UNSCHEDULED LEAVE: This paid/unpaid leave involves any absence without approval prior to the beginning of the shift. Exception to designating flex leave as unscheduled leave is described in SPECIFIC PROVISIONS paragraph 4.b. Approval of unscheduled leave is subject to operational requirements of the department.

SPECIFIC PROVISIONS

1. Employees will have two (2) paid leave accounts:
 - a. Flex-Leave
 - b. Long-term Illness/Injury (LTII)
2. Accrual of Flex Leave: Employees will accumulate paid leave in their Flex-Leave Account on a monthly basis, the first day of the month according to the following schedule (*regular part-time accrue on a pro-rata basis according to full-time equivalent workweek budgeted for position*):

Completion of 1 month through 72 months of service

Regular	12.7 hours monthly
Fire	11.4 hours monthly
Transit	16.0 hours monthly
Police	20.0 hours monthly

Completion of 72 months through 132 months of service

Regular	16.0 hours monthly
Fire	14.7 hours monthly
Transit	19.4 hours monthly
Police	23.4 hours monthly

Completion of 132 months of service through 192 months of service

Regular	19.4 hours monthly
Fire	18.0 hours monthly
Transit	22.7 hours monthly
Police	26.7 hours monthly

Completion of 192 months of service and thereafter

Regular	22.7 hours monthly
Fire	21.4 hours monthly
Transit	26.0 hours monthly
Police	30.0 hours monthly

Note: Variation in accrual rates is due to different holiday schedules (See Policy 5.03 Holidays)

3. Accrual of Long-term Illness and Injury Leave:
 - a. Employees whose sick leave balances exceeded 520 hours as of January 1, 1999 (plan implementation date) will accrue 4 hours per month of LTII leave to an unlimited maximum, until they leave City employment.
 - b. All other employees will accrue 4 hours per month of LTII leave to a maximum of 520 hours.

4. Use of Flex Leave: Employees may use the Flex-Leave Account either as scheduled or unscheduled leave.
 - a. Scheduled Flex Leave:
 - i) This paid leave requires notification by the employee and approval received from the department head or designee no later than the end of the employee's previous work day, or what would have been the end of the previous work day had the employee been scheduled to work.
 - ii) Approval of scheduled leave by the department head or designee is subject to the operational needs of the department.
 - iii) Scheduled leave will be deducted from either the Flex-Leave Account or the LTII Account, whichever is applicable.
 - iv) Notification requirement for use of scheduled flex leave will be waived if an employee must leave work due to illness or other emergency situation.
 - v) Employees with a diagnosed chronic illness, that is certified by the attending physician in advance, may be granted, at the discretion of the department head, the opportunity to use additional scheduled leave, rather than having the leave designated as unscheduled leave. Such employees will be required to cooperate fully in order to qualify.
 - b. Unscheduled Flex Leave: This paid leave will be deducted from the Flex-Leave Account only. Employees who have used unscheduled leave 5 times (code as 827 – Unscheduled Flex-leave) in a rolling calendar year will be subject to disciplinary action.

5. Use of Long-Term Illness and Injury Leave:
 - a. Employees required to use leave for medical reasons in excess of 40 hours (see Definitions) may use accumulated paid leave from the LTII Account for any additional hours of leave for medical reasons. The employee must provide the employer with a statement from her/his attending physician certifying the employee's disabling illness or injury, and duration thereof, before the accumulated leave from the LTII Account is approved for use. For intermittent needs due to illnesses or injuries lasting more than 12 months, employees must submit a new certification from the attending physician every 12 months.
 - b. After having met the 40 hour requirement (see Definitions), employees on a concentrated medical treatment program (i.e., chemotherapy regiment, etc.) or those who have a second major illness within a 12 month anniversary year (from the onset of the first treatment or major illness) may be eligible to access the LTII account for

the time spent in treatment without meeting an additional 40 consecutive hour requirement.

- c. Employees who are medically disabled due to pregnancy must also meet the 40 hour requirement (see Definitions) before using LTII. Use of LTII beyond five weeks (this is the 200 consecutive hours following the 40 hours of flex leave) requires additional medical certification by the attending physician. The employee is entitled to a total of twelve weeks of absence for the birth of a child under FMLA, but use of LTII is restricted to the medical disability portion as described above. Additional flex leave, or other paid leave (or unpaid leave if paid leave has been exhausted) may be used during the duration of the twelve weeks FMLA leave. (See policy 5.14 for more information on Family and Medical Leave).
6. Funeral Leave Not Charged to Flex or LTII Account: Funeral leave is included in the Flex Leave accrual. However, an employee is not required to use Flex Leave for the day of the funeral of a spouse, parent, child, sibling, grandparent, grandchild or domestic partner if the funeral is on a day an employee is normally scheduled to work.
 7. Payment/ Carry-Over of Flex-Leave:
 - a. Employees are allowed a maximum accumulation in their flex-leave account of 12 times their monthly accrual rate in effect on the employee's anniversary date. Employees have the entire anniversary month in which to use flex leave for purposes of determining the flex leave account balance.
 - b. Employees who have an accumulated balance of Flex-Leave in their accounts on their anniversary date of less than the annual accrual may elect any combination of the following:
 - i) Carry part or all of the balance into the next year,
 - ii) Transfer hours to the LTII Account.
 - c. Employees who have in excess of maximum accumulation allowed are required to transfer the excess amount to the Long-Term Illness/Injury Account.
 - d. Payment of Flex-Leave Upon Separation: Employees who terminate employment with the City will receive payment for the balance in the Flex-Leave Account, accrued and posted through the employee's last day of employment.
 8. Donating Flex Leave: Employees may donate Flex-Leave Account hours to another employee who is on an unpaid medical leave of absence and has exhausted all paid leave hours. Employees may also donate Flex-Leave Account hours to another employee who is on an approved unpaid leave of absence to provide care for family members as designated under the Family Medical Leave Act (FMLA).

Effective: 01/01/99
Adopted: 10/28/98 (Resolution 2116-10-98)
Revised: 05/31/00 (Resolution 1095-05-00)
Revised: 12/29/04 (Resolution 2645-12-04)
Revised: 03/10/10
Revised: 04/11/11
Revised: 04/02/12
Revised: 01/23/13
Revised: 06/01/16

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.03 – HOLIDAYS

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide paid holiday leave in observance of specified legal holidays.

SPECIFIC PROVISIONS

1. Legal holidays observed by regular full-time, regular part-time, and hourly non-bargaining employees are:

New Year's Day	Fourth of July	Friday after Thanksgiving
President's Day	Labor Day	Christmas Eve Day
Good Friday	Veterans' Day	Christmas Day
Memorial Day	Thanksgiving Day	

2. Holiday Schedule:
 - a. All covered employees will be allowed the holidays specified, with the exception of non-bargaining employees in the following departments: Police, Fire, Transit, and Library.
 - b. For operational reasons, employees in these departments will follow the holiday schedule prescribed for bargaining unit employees. However, in no case will the total number of holidays be less or more than that allowed to other non-bargaining employees.
3. The City Manager may authorize additional paid holiday leave as a result of early holiday release. In such cases, non-bargaining employees who work during the specified early release period will accrue holiday compensatory time at straight time for the time worked. Employees on flex leave or other paid leave are not eligible for additional paid holiday leave.
4. An employee will forfeit the right to payment for a holiday if he/she has an unexcused absence on the last regular working day preceding such holiday or on the next regular working day following such holiday. A doctor's certificate for sick leave claims may be required.
5. An employee on a leave of absence without pay in excess of 30 days will not be eligible for paid holiday leave.
6. Regular part-time (salaried and hourly) and non-regular (*seasonal, hourly, and temporary*) employees.

- a. Regular part-time salaried and hourly employees will be entitled to paid holiday leave if the holiday falls on a scheduled day of work. The employee will be paid the hours typically assigned to the day of the holiday.
 - b. Non-regular (*seasonal, hourly, and temporary*) employees are not entitled to paid holiday leave, but are entitled to holiday premium pay if they work on the holiday (*see 9.a. below*).
7. In no case will the number of holiday leave hours paid to an employee exceed eight (8) hours. For example, if the normal work shift is 12 hours, only 8 hours are eligible for holiday leave. The remaining hours must be covered by other leave, or must be worked.
8. Observed Day:
- a. Should a holiday fall on Saturday, the preceding Friday will be observed as the holiday. Should a holiday fall on a Sunday, the following Monday will be observed as the holiday. The following schedule will apply in observing Christmas Eve/Christmas Day holidays when they fall on:

Friday/Saturday	Observed on Thursday/Friday
Saturday/Sunday	Observed on Friday/Monday
Sunday/Monday	Observed on Monday/Tuesday
 - b. However, for positions that operate on a 7-day basis as determined by the department head, the actual holiday will be observed as the holiday.
9. Holiday Premium Pay:
- a. Regular and non-regular employees scheduled or called to work on an observed holiday will be paid for time worked at the rate of time and one-half. For regular full-time and regular part-time employees, this is in addition to their paid holiday leave.
 - b. Employees working on shifts who work on a designated holiday, in addition to paid holiday leave allowed as aforesaid, will be paid time and one-half ($1\frac{1}{2}$) for hours actually worked on the holiday between midnight and midnight.
 - c. Overtime exempt positions are not eligible for holiday premium pay.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.06 – MILITARY LEAVE

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide military leave for its employees in compliance with Chapter 29, Sections 29A.28 and 29A.43 of the Code of Iowa and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

SPECIFIC PROVISIONS

1. Eligible Employees:

- a. Employees, other than “non-regular employees” as defined in City Policy 1.01 that occupy **“Brief Non-recurrent positions,”** who are members of the uniformed services, or who are or may be otherwise inducted into the military service of the State of Iowa or the United States, when ordered by proper authority to state or federal service, will be entitled to a leave of absence from City employment for the period of such active state or federal service, without loss of status, efficiency rating, or seniority; and without loss of pay during the first 30 calendar days of such leave of absence. Service means duty on a voluntary or involuntary basis.
- b. **“Brief Non-recurrent positions,” means** positions that are brief and non-recurrent and cannot reasonably be expected to continue indefinitely for a significant period. Those positions are also defined in City Policy 1.01 General Provisions of Human Resources Policy as “non-regular employees.”

2. Days Allowed:

- a. The first 30 days of absence as stated in the State Code are defined as 30 calendar days per calendar year unless defined otherwise by the state legislature. The calendar days need not be consecutive.
 - i) All dates included in the employee's call to duty orders, including weekend duty, will be considered in reference to the employee's normal work schedule. After that review is made then in following the Iowa State Code, Military Leave of Absence will only be counted for those days that the City employee would normally perform services for the City. “Where state active duty, active state service, or federal service is for a period of less than thirty days, a military leave of absence shall only be required for those days that the civil employee would normally perform services for the City of Cedar Rapids.”
 - ii) Necessary travel time is considered duty and counted as military leave.
- b. Regular part-time employees will receive paid leave for the number of hours normally scheduled to work on the days absent
- c. Any leave required beyond the 30 days will be reported as unpaid military leave, unless the employee chooses to use accrued vacation, personal days, or compensatory time in lieu of unpaid military leave. However, pursuant to Section 4316 (d), an employee cannot be forced to use vacation time for military service.

3. Notification Process:

All employees in a uniformed service shall provide their employer (i.e. supervisor or department head) with advance notice of military service. Notice may be either written or oral, but orders should be turned in to the supervisor at the earliest possible time to be used as a source document for payroll and proper accounting of time. The notice may be provided by the employee or by an appropriate officer of the branch in which the employee will be serving. However, no notice is required if:

- (1) Military necessity, as defined in the regulations of the Secretary of Defense, prevents the giving of notice; or
 - (2) The giving of notice is otherwise impossible or unreasonable.
- a. Annual/Monthly Training
- i) During September of each year all members of organized reserve and national guard units should submit their schedule for annual training and monthly drill dates, if they are available to them, for the entire upcoming military fiscal year (October 1 of the current year to September 30 of the following year). Any changes in the annual training or the monthly drill dates should be submitted to the member's supervisor or department head as soon as possible, after the member receives notice of the change.
 - ii) A request for a military leave of absence along with duty orders shall be submitted to the department head as soon as possible, normally not less than 30 calendar days prior to annual training date, to allow for the departments to prepare and adjust work scheduling and planning as needed.
 - iii) Specific duty orders (written or verbal) shall be submitted to the supervisor and department head for review prior to the annual/monthly training dates to allow for proper department coordination, planning, and scheduling. If the training or active duty service period creates a substantial and severe hardship on their department, the department head should fully document and substantiate that hardship and provide that documentation to the Human Resources Director to notify the appropriate authorities to request and attempt to obtain relief from that employee's military service obligation.

4. Reporting Back to Work:

- a. An employee returning under honorable conditions to employment of the City from military service of not more than five years will have re-employment rights providing such employee returns to work as outlined below:
- i) Service of 1-30 days. The employee must report to the City by the beginning of the first regularly scheduled workday that would fall eight hours after the end of the calendar day if, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible.
 - ii) Fitness Exam. The time limit for reporting back to work for a person who is absent from work in order to take a fitness-for-service examination is the same as the one above for persons who are absent for 1 to 30 days. This period will apply regardless of the length of the person's absence.
 - iii) Service of 31-180 days. An application for re-employment must be submitted no later than fourteen (14) days after completion of a person's military service. If submission of a timely application is impossible or unreasonable through no fault of a

person, the application must be submitted as soon as possible. If the 14th day falls on a day the offices are not open or there is otherwise no one available to accept the application the time extends to the next business day.

- iv) Service of 181 days or more. An application for re-employment must be submitted no later than ninety (90) days after completion of a person's military service. (A reason for submitting an application is to show and record the specific intent for re-employment.) If the 90th day falls on a day the offices are not open or there is otherwise no one available to accept the application, the time extends to the next business day
 - v) Disability incurred or aggravated. The reporting application deadlines are extended for up to two years for persons who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service. The two-year period will be extended by the minimum time required to accommodate a circumstance beyond an individual's control that would make reporting within the two-year period impossible or unreasonable.
 - vi) A member's re-employment rights are not automatically forfeited if the member fails to report to work or apply for re-employment within the time limits, but the member will then be subject to the City's rules governing unexcused absences.
 - vii) Section 4312(f) of the USERRA provides that the employer has the right to request that a person who is absent for a period of service of 31 days or more to provide documentation showing that:
 - (a) the person's application for re-employment is timely;
 - (b) the person has not exceeded the five-year service limitation; and
 - (c) the person's separation from service was other than disqualifying under Section 1404.
 - viii) Unavailable documentation. Under USERRA, pursuant to Section 4312(f)(3)(A). If a person does not provide satisfactory documentation because it's not readily available or doesn't exist, the employer still must promptly re-employ the person. However, if, after re-employing the person, documentation becomes available that shows one or more re-employment requirements were not met, the employer may terminate the person. The termination would be effective as of that moment. It would not operate retroactively.
 - ix) Pension Contributions. Under USERRA, pursuant to Section 4318, if a person has been absent for military service for 91 or more days, an employer may delay making retroactive pension contributions until the person submits satisfactory documentation. However, contributions will still have to be made for persons who are absent for 90 or fewer days.
- b. How to place eligible persons in a job after they have returned. Except with respect to persons who have a disability incurred in or aggravated by military service, the position into which a person is reinstated is based on the length of a person's military service.

1 to 90 days. Section 4313 (a) (1) (A) & (B). A person whose military service lasted 1 to 90 days must be "promptly re-employed" in the following order of priority:

- i) (Section 4313 (a) (1)(A)) in the job the person would have held had the person

Effective: 01/01/94

Revised: 01/09/01 (*Resolution 0065-01-01*)

Revised: 04/02/03 (*Resolution 0746-04-03*)

Revised: 01/21/04 (*Resolution 0118-01-04*)

Revised: 03/09/05 (*Resolution 0400-03-05*)

Page 3 of 6

5_06 Military Leave

City of Cedar Rapids Personnel Policy Manual

- remained continuously employed, so long as the person is qualified for the job or can become qualified after reasonable efforts by the employer to qualify the person; or, (B) In the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.
- ii) If the employee cannot become qualified for either position described above (other than for a disability incurred in or aggravated by the military service) even after reasonable employer efforts, the person is to be re-employed in a position that is the nearest approximation to the positions described above (in that order) which the person is able to perform, with full seniority. (Section 4313 (a)(4))

With respect to the first two positions, employers do not have the option of offering other jobs of equivalent seniority, status, and pay.

91 or more days. Section 4313 (a) (2). The law requires employers to promptly re-employ persons returning from military service of 91 or more days in the following order of priority:

- i) Section 4313(a)(2)(A). In the job the person would have held had the person remained continuously employed, or a position of like seniority status and pay, so long as the person is qualified for the job or can become qualified after reasonable efforts by the employer to qualify the person; or, (B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status, and pay the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.
- ii) Section 4313 (a)(4). If the employee cannot become qualified for the position either in (A) or (B) above: in any other position of lesser status and pay, but that most nearly approximates the above positions (in that order) that the employee is qualified to perform with full seniority.
- c. The City will make a reasonable effort to qualify returning service members who are not qualified for re-employment positions that they otherwise would be entitled to hold for reasons other than a disability incurred or aggravated by military service. Refresher and any training necessary to update a returning employee's skills will be provided where the employee is no longer qualified due to technological advances. Training will not be required if it is an undue hardship for the City. If reasonable efforts fail to qualify a person for the first and second re-employment positions in the above schemes, the person must be placed in a position of equivalent or nearest approximation and pay that the person is qualified to perform.
- d. "Prompt" reemployment. Section 4313 (a). The law specifies that returning service members be "promptly re-employed." What is prompt will depend on the circumstances of each individual case. Reinstatement after weekend National Guard duty will generally be the next regularly scheduled working day. On the other hand, reinstatement following five

years of active duty might require giving notice to an incumbent employee who has occupied the service member's position and who might possibly have to vacate that position.

- e. Each returning service member shall be placed back onto the seniority list at the point the person would have occupied if the person had remained continuously employed. The position may not necessarily be the same job the person previously held. For instance, if the person would have been promoted with reasonable certainty had the person not been absent, the person would be entitled to that promotion upon reinstatement. On the other hand, the position could be at a lower level than the one previously held it could be a different job, or it could conceivably be in a layoff status.

5. Seniority:

- a. An employee on military leave will accumulate seniority during the period of absence. Re-employed service members are entitled to the seniority and all rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed. A right or benefit is seniority-based if it is determined by or accrues with length of service. A right or benefit is not seniority-based if it is compensation for work performed or it is subject to a significant contingency.

6. Rights not based on seniority Section 4313 (b).

- a. Departing service members must be treated as if they are on a leave of absence. Consequently, while they are away they must be entitled to participate in any rights and benefits not based on seniority that are available to employees on non-military leaves of absence, whether paid or unpaid. If there is a variation among different types of non-military leaves of absence, the service member is entitled to the most favorable treatment so long as the non-military leave is comparable. For example, a three-day bereavement leave is not comparable to a two-year period of active duty.
- b. The returning employees shall be entitled not only to non-seniority rights and benefits available at the time they left for military service, but also those that became effective during their service.

7. Flex Leave/Vacation:

- a. No Flex Leave/Vacation, long-term illness and injury leave, sick leave, or longevity will accrue after 30 continuous calendar days of unpaid leave. Accrual will apply to the first 30 continuous calendar days of unpaid leave.
- b. Flex Leave/Vacation credits earned but not taken will be honored upon return. The department head will authorize the schedule. Leave accrual will resume upon return to employment.

8. Long-term Illness/Injury/Sick Leave:

- a. Long-term Illness/Injury and Sick Leave will not accumulate during the unpaid period of absence of the employee; however, credits recorded as of the date of leaving for Military Leave will be maintained.

9. Pay Increases:
 - a. Pay increases scheduled to take effect during an employee's military leave will become effective upon return to employment.

10. Insurance Continuation:
 - a. The City's contribution to insurance benefits will terminate at the end of the month in which the leave without pay begins.
 - b. An employee may elect to continue the City health and dental plan under the Veterans Benefits Improvement Act of 2004 for up to 24 months by paying the full monthly premium to the City.

11. For further guidance contact the Human Resources Director or refer to the current "Non-Technical Resource Guide to the Uniformed Service Employment and Reemployment Rights Act (USERRA)," from the U.S. Department of Labor Veterans Employment and Training Service (copies are available from the Human Resources Director), or call Employer Support of the Guard and Reserve (ESGR) toll-free at 1-800-336-4590, or go to the ESGR Information website at www.esgr.org.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.07 – VOTING LEAVE

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide sufficient time for an employee to vote in an election per Chapter 49.109, Code of Iowa, or as amended thereto.

SPECIFIC PROVISIONS

1. The City encourages all employees to vote in any election and agrees to provide adequate time to do so as follows:
 - a. Employees who do not have sufficient time to vote outside of their working hours and during the times the polls are open are entitled to enough time off, with pay, to travel to the polls and vote.
 - b. Employees requesting time off in order to have sufficient time away from work will submit such request in writing to the department head or designee prior to the date of the election. The department head or designee will designate the period of time to be taken based on the employee's request.
 - c. Employees scheduled to work on Election Day while the polls are open are encouraged to vote absentee.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.08 – JURY DUTY/COURT APPEARANCES

GENERAL POLICY

The City encourages employees to fulfill their civic responsibility by serving as jurors when called. The City will allow employees time away from work to serve on jury panels or as jurors and to appear as witnesses on behalf of the City.

SPECIFIC PROVISIONS

1. Jury Duty:
 - a. An employee who is called to serve on a jury panel or required to serve as a juror will be granted leave with full pay to serve in that capacity.
 - b. An employee called for jury duty will promptly notify the supervisor of such notice and the projected dates of absence.
 - c. Employees are expected to be away from work only the amount of time actually required for duty, allowing reasonable travel time. Compensable hours shall not exceed the employee's normal work shift.
 - d. Non-bargaining employees may retain jury duty fees.

2. Court Appearance on City Behalf:
 - a. An employee who is called to serve as a witness on behalf of the City in a case directly resulting from the performance of duties as a City employee will be granted leave with full pay to appear in that capacity.
 - b. An employee assigned as a witness will promptly notify the supervisor of such notice and the projected dates of absence.
 - c. Employees are expected to be away from work for only the amount of time actually required for appearance, allowing reasonable travel time. All hours required for appearance shall be counted as compensable time.

3. Other Court-related Activities:

Any other court-related activities (*i.e. employee's own lawsuit, civil or criminal witness*) will not be eligible for paid court appearance leave. However, the department head may approve vacation, personal leave, compensatory leave, or unpaid leave.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.09 – WEATHER/DISASTER-RELATED EVENTS

GENERAL POLICY

During severe weather or other disaster events, all employees are expected to make reasonable efforts to report to their assigned work places. This policy will be utilized in instances where an employee, due to conditions beyond his/her control, is not able to report to work.

SPECIFIC PROVISIONS

1. Official Declared Emergency:
 - a. Employees will be expected to report to work in accordance with departmental procedure.
 - b. For absences due to declared emergency, the employee may choose to use flex leave, vacation, compensatory time, a personal day, or "excused unpaid" leave, or time may be made up within the same work week.

2. Individual Weather Related Absence:
 - a. The employee will call in and inform supervision of the weather conditions that are present which will cause lateness or absence. The call will be made as early as possible before the start of the working day. The employee will inform the supervisor whether he/she will be late or absent, and when he/she expects to report to work.
 - b. If the department head has determined that the absence or lateness is justifiable, the employee may choose to use authorized flex leave, vacation, compensatory time, a personal day or "excused unpaid" leave, or time may be made up within the same work week.
 - c. If the absence or lateness is not considered justifiable, the employee will not be paid for the time absent or tardy, and such lost time will be recorded as "unexcused unpaid" leave.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.10 – ABSENTEEISM AND TARDINESS

GENERAL POLICY

SPECIFIC PROVISIONS

1. If an employee is going to be late or absent for any reason, he or she shall notify the department in accordance with departmental procedure. The employee must explain the reason for the absence, and when he or she expects to return to work. The employee is expected to personally call to ensure that proper notification is given.
2. An employee who fails to give proper notification as determined by the department head will be charged with an unexcused absence.
3. Unexcused absences, including tardiness, will subject an employee to discipline, which may include suspension and discharge (*also see Policy 2.08*).
4. Unexcused/unauthorized absence from work for a period of three working days will be considered job abandonment and the employee will be terminated (*also see Policy 2.11*).

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL

SECTION 5 – LEAVES

5.11 – LEAVE OF ABSENCE WITH OR WITHOUT PAY

GENERAL POLICY

On occasion, circumstances may arise which necessitate an employee's request for a leave of absence with or without pay from work. Taking departmental staffing into consideration, the department head and City Manager may approve such leave for good and sufficient reasons

SPECIFIC PROVISIONS

1. Definition

A leave of absence with or without pay is an approved leave of absence from work. An employee may request a leave of absence with or without pay for the following reasons:

- a. Medical (*in cases where FMLA does not apply or has been exhausted*)
- b. Personal
- c. Military service
- d. Education

See Educational and Military Leave of Absence in this policy manual for other requirements.

2. Department Head Authorization for Leave With or Without Pay

- a. A department head may authorize an employee to be absent with or without pay for a period not to exceed 30 calendar days. (*See individual labor agreements for employees in a bargaining unit*). If an absence with or without pay is anticipated to be longer than this, refer to 3. below.

3. Request for Leave of Absence With or Without Pay Procedure

- a. An employee seeking a leave of absence with or without pay of more than 30 calendar days must submit a detailed request to his/her department head, who will forward a recommendation to the Human Resources Director. Final approval will be made by the City Manager. Leave requests should include:
 - i) Nature of leave (medical, personal, military, educational)
 - ii) Duration of leave
 - iii) Supporting documentation as applicable:
 - (1) For medical leaves, this includes a doctor's statement. Employees requesting medical leave must first apply for and use FMLA leave, if applicable.
 - (2) For military leaves, this includes call to active service orders in accordance with the Military Leave policy in this manual.
 - (3) For personal leaves, this includes the reasons for the request.
 - (4) For educational leaves, this includes an outline of the proposed course of study in accordance with the Educational Leave of Absence policy in this manual.
- b. The burden is on the employee to obtain the leave of absence. Until the leave is granted, the leave of absence does not exist.

- c. The City Manager may at his/her discretion approve a leave of absence. Each request for leave will be decided on its own merits and not on precedent of other cases.
 - d. Military leaves of absence will be granted in compliance with federal and state laws in accordance with Policy 5.06.
 - e. Personal leaves of absence will not be granted to seek employment elsewhere or to engage in employment other than for the City of Cedar Rapids.
 - f. Personal or education leaves of absence will not be granted to probationary employees. Medical or military leaves of absence granted to probationary employees will extend the probationary period for the length of absence.
 - g. An employee's failure to return to work on the date specified as the end of a leave of absence will be considered a job abandonment and voluntary resignation.
 - h. Personal or educational leaves of absence may not exceed three (3) calendar months in any one calendar year.
4. Adjustment to Benefit Accruals
- a. No flex leave, long-term illness and injury leave, vacation, sick leave, or longevity will accrue after 30 calendar days of paid or unpaid leave. Accrual will apply to the first 30 days. Accruals will begin on the first day of the month following the date the employee returns to work.
5. Insurance Premiums (Health, Dental, Base Life, Long-Term Disability)
- a. Medical Leave:
 - i) The City will continue to pay its share of insurance premiums during an approved paid or unpaid FMLA leave – see policy 5.14 for details.
 - ii) If the leave is with pay as a result of documented medical incapacitation to perform duties, the City will continue to pay its share of insurance premiums.
 - iii) In cases where FMLA leave does not apply, the City will continue its share of insurance premiums for the first 30 calendar days of unpaid leave. Thereafter, the employee will have the option of remaining on the City plans at his/her own expense during the remainder of the leave of absence.
 - iv) In cases where FMLA leave has been exhausted, the employee will have the option of remaining on the City plans at his/her own expense during the remainder of the leave of absence.
 - b. Other Than Medical Leave (Personal, Military or Educational Leave): If the leave with or without pay is at the request of the employee for reasons other than medical incapacitation to perform duties, the City's contribution to insurance benefits will terminate at the end of the month in which the leave with or without pay begins. The employee will have the option of remaining on the City plans at his/her own expense during the leave of absence.
6. Limitation of Coverage Continuation: The ability to continue health and dental insurance during the leave of absence as noted above is limited under federal COBRA guidelines to 18 months, except military leave is limited to 29 months..

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.12 – EDUCATIONAL LEAVE OF ABSENCE

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide educational leaves of absence when such leave can be accommodated under the provisions of this policy. Operational needs will be considered and the final approval of such leave will be made by the Department director.

SPECIFIC PROVISIONS

1. This policy applies only to full-time coursework towards an associate degree, bachelor's degree, master's degree, or doctorate degree.
2. An employee must have at least three years of service with the City before such request will be considered.
3. An employee must submit the request to the department head for approval at least two months in advance, and provide an outline of the proposed course of study, duration of the course, and the college or university to be attended.
4. The course of study must be directly related to an employee's current position with the City, and it must be shown that such leave will have direct and immediate benefits to the City. Further, the leave shall be conditioned on whether the absence will significantly reduce the ability of the department to operate effectively during the period of absence. The department head shall have the responsibility for determining the effect on operations and shall recommend approval or denial before forwarding to Human Resources.
5. A leave of absence may be granted for a maximum of one semester with the leave starting no more than one week before the semester starts and ending no more than one week after the conclusion of the semester. Such leave will be without pay. The request for a leave of absence must be submitted to the Human Resources Department a minimum of thirty (30) days before the leave is to begin.
6. An employee on an unpaid educational leave of absence in excess of 30 calendar days will not accrue flex leave, long-term illness and injury leave, longevity pay, or seniority.
7. The City's insurance programs will continue through the end of the month in which the leave begins. Coverage may be continued by paying the full group rate in advance.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL

SECTION 5 – LEAVES

5.13 – LEAVES OF ABSENCE FOR PUBLIC OFFICE/SERVICE & ELECTIVE

GENERAL POLICY

All employees of the City of Cedar Rapids are entitled to a leave of absence for public employment candidacy and elective office per Chapter 55, Code of Iowa, or as amended thereto.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 5 – LEAVES
5.14 – FAMILY AND MEDICAL LEAVE

GENERAL POLICY

The City of Cedar Rapids shall grant family and medical leave in accordance with the Family and Medical Leave Act of 1993 or as amended thereto.

SPECIFIC PROVISIONS

The City of Cedar Rapids shall grant family and medical leave in accordance with the Family and Medical Leave Act of 1993 or as amended thereto.

APPENDIX A - FAMILY AND MEDICAL LEAVE ACT - 1993

An eligible employee may qualify for up to 12 weeks or 480 hours of unpaid, job-protected leave for employees during a 12-month rolling calendar year period for the following reasons:

1. Birth of a daughter/son of the employee in order to care for the child.
2. Placement of a daughter/son with the employee for adoption or foster care.
3. Care for the employee's spouse, daughter, son, or parent, if such family member has a serious health condition.
4. Employee's own serious health condition that makes them unable to perform the functions of the position.
5. For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or called to active duty status as a member of the National Guard or Reserves or individuals deployed to a foreign country.
6. Eligible employees may take up to twenty-six (26) weeks of job-protected leave in a "single 12-month period" to care for a covered service member with a serious injury or illness.

Eligibility

1. An employee must have been employed by the City for at least the previous 12 months and have at least 1,250 hours of service during that time. Regular part-time employees may be eligible for FMLA if they meet the eligibility criteria.
2. Spouses who are both employed by the City will be limited to an aggregate of 12 weeks or intermittent leave of 480 hours during a 12-month period for all categories except when an employee's own illness requires spousal care.

Requirements

1. Employees shall provide the employer with not less than 30 days notice before the date the leave is to begin for births, adoptions, planned treatments and other qualifying foreseeable conditions. Should circumstances exist necessitating the leave to begin earlier, the employee is required to provide such notice as is practical.
2. A request for leave must be supported by a certification issued by the health care provider of the employee, spouse, daughter, son or parent of the employee. Such certification shall sufficiently state:
 - a. The date on which the serious health condition commenced.
 - b. The probable duration of the condition.
 - c. Appropriate medical facts within the knowledge of the health care provider regarding the condition.
 - d. A statement that the eligible employee is needed to care for the person or child and the amount of time estimated the employee is needed to provide the care.
 - e. When the leave requested is for intermittent or leave on a reduced leave schedule for planned medical treatment, the certification must also include the dates the treatment is expected to be given, the expected duration, and the necessity of such attendance.
 - f. For medical conditions that are obvious or well documented, the City may elect to place the employee on FMLA leave without the employee making a formal request.
 - g. The City may require recertification on a reasonable basis.
 - h. The certification must be provided by the employee in a timely manner.
 - i. The City may require, at its expense, a second opinion.
 - j. The employee is required to report periodically on the status and intention of the employee to return to work. Such schedule will be established on a case-by-case basis.
 - k. The City will give employees written notice of their rights and obligations while on FMLA. This notice will also contain the date of commencement of the leave and an estimated date of the termination of the leave, based on whether the leave request is for a continuous leave or an intermittent leave.
3. Upon approval of this leave, the employee is required to use all paid leave before being placed in unpaid status for the duration of the 12 weeks or intermittent leave of 480 hours. Sick leave or Long-Term Illness/Injury, whichever is applicable, is available only for the employee's personal illness. Compensatory time is not a form of accrued leave that may be substituted for unpaid FMLA time. Compensatory time may be used to supplement pay while on FMLA, at the request of the employee. Compensatory time for FMLA absences must have prior approval from the employee's supervisor.
4. The employee is required to provide the City with a return to work certification from the employee's health care provider, 24-hours prior to returning to work, which certifies the employee's ability to perform the essential functions of the employee's job. The City may delay restoration to employment until the employee submits the required return to work certification.

Continuation of Benefits

1. Employee benefits will continue for the period of time set under the Personnel Policy Manual or the applicable labor agreement.
2. The City will continue to pay the established premiums under any group health plan for the duration for the leave. However, if the employee fails to return to work upon expiration of the leave, the City is entitled to recover the premium paid unless:
 - a. A certification is received from the health care provider that the serious health condition that caused the leave is continuing or reoccurring; or,
 - b. Other circumstances beyond the control of the employee have occurred.
3. Employees wishing to use their Long-Term Illness/Injury Account must first apply for FMLA leave. LTII and flex leave will run concurrently.