

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 18, 2014

Subject:	Type:	Submitted By:
AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to amend Section 2, Section 5 and Section 8 of the City Personnel Policy and Procedures Manual.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

In order to be in compliance with regulations associated with the Affordable Care Act, updates to the Personnel Policy and Procedures Manual are necessary relative to part-time and seasonal employees. In Section 2 of the Manual, definitions for these two classifications of employees have been updated. Additionally, with the switch in how the City will be delivering fire and emergency medical services, all references to "Members of the Volunteer Fire Department (MVFD)" were removed.

Section 5 of the Manual addresses selection and appointment of personnel. Two subsections were added to this section to address part-time and seasonal appointments, again to ensure that we are in compliance with Affordable Care Act regulations. All references to the Volunteer Fire Department were also removed.

Finally, Section 13 of the Manual outlines employee benefits. A change is being proposed to the Family Funeral Leave provision that would allow for an employee to request family funeral leave for a relative not included in the definition of "immediate family" such as an aunt or uncle.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 2, SECTION 5, AND SECTION 8 OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING DEFINITIONS, PART-TIME AND SEASONAL EMPLOYMENT, AND FAMILY FUNERAL LEAVE.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Section 2 regarding definitions be amended to eliminate references to the volunteer fire department and change the definition of part-time and seasonal employees to comply with regulations associated with the Affordable Care Act; and

WHEREAS, it is being proposed that Section 5 regarding Selection and Appointment of personnel be amended to eliminate reference to the volunteer fire department and add language relative to the appointment of part-time and seasonal employees to comply with regulations associated with the Affordable Care Act; and

WHEREAS, it is being proposed that Section 8.1, Subsection (4) (b), regarding Family funeral Leave be amended to allow a provision for funeral leave for family members not included in the definition of "immediate family".

WHEREAS, it is the desire of the City Council to amend Section 2, Section 5 and Section 8 of the Personnel Policy and Procedures Manual to incorporate the changes to the above listed sections and subsections.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed changes to Section 2, Section 5 and Section 8 as submitted at the City Council meeting.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

PERSONNEL RULES AND REGULATIONS

SECTION II:	DEFINITIONS	
ADOPTED:	RESOLUTION NO. 96-012	READOPTED: RESOLUTION NO. 05-159
DATE:	FEBRUARY 6, 1996	DATE: DECEMBER 20, 2005
AMENDED:	RESOLUTION NO. 00-152	AMENDED: RESOLUTION NO. XX-XXX
DATE:	DECEMBER 19, 2000	DATE:
AMENDED:	RESOLUTION NO. 02-058	
DATE:	JUNE 4, 2002	
AMENDED:	RESOLUTION NO. 02-099	
DATE:	OCTOBER 1, 2002	

Administrative Leave: A non-disciplinary leave of absence with or without pay granted in unique circumstances by the City Administrator or his or her designee. The City Administrator shall give notice of such leave to the Mayor and City Council at the next following regularly scheduled meeting of the City Council at any time such leave is granted.

Allocation: The establishment of a position in a department budget.

Anniversary Date: The date (day and month) an employee begins employment with the City. ~~The effective date of any salary increase or decrease shall also constitute the employee anniversary date for such increase or decrease. An anniversary date will be adjusted to exclude any calendar days of suspension and any leaves of absence without pay.~~

Appointing Authority: The officer, individual or entity given authority by City ordinance or state statute to appoint or remove an employee or member from his or her position or office.

Appointment: An accepted offer to a person of a position of employment, on either a full-time, ~~or~~ part-time ~~or seasonal~~ basis, ~~or an accepted offer for membership in the Volunteer Fire Department.~~

Call Out Pay: Compensation paid to employees who are called out to work during off-duty hours.

Class: One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each

position allocated to the class, that the same minimum education and work experience qualifications may be required and that the same pay range may apply with equity.

Classification: The assignment of a position to an appropriate class on the basis of type, difficulty, and responsibility of work performed.

Class Series: A number of classes or positions which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties, degree of responsibility involved and the amount of training and experience required. Such classes constitute a series.

Class Specifications: A written statement of the characteristics, duties, responsibilities and qualification requirements that distinguish a specific class from other classes.

Class Title: The name assigned to a class.

Compensation: The ranges of pay and benefits which have been established for the various positions identified in the compensation plan and in other personnel policies.

Compensation Plan: The official schedule of pay approved by the City Council.

Continuous Employment: The time from original employment to the current date of employment excluding the calendar days when an employee is absent without leave or when an employee is under suspension. An employee who returns to work

PERSONNEL RULES AND REGULATIONS

following a resignation or a discharge shall be considered as a new employee and previous employment will not be considered a part of continuous employment.

Court Time Pay: Compensation paid to employees who are required to appear in court in connection with employment duty assignment when the appearance is during off duty hours.

Demotion: The movement of an employee from a position in one class to a position in the same or another class having a lower maximum salary rate because of disciplinary reasons, incapacity to perform the work, inefficiency or unsatisfactory work performance.

Department: A major functional unit of the City of La Vista governmental structure.

Department Head: The officially appointed head of any department who is directly responsible for the administration of that department, including City Administrator, Assistant City Administrator, City Clerk, Community Development Director, Public Works Director, Recreation Director, Police Chief, Library Director, Finance Director, **Fire Chief** and Director of Public Buildings and Grounds.

Dismissal: The separation of an employee from employment for such cause as the City Administrator deems sufficient to warrant such action.

Emergency: A sudden and unforeseen happening that requires the unscheduled service of an employee to protect health, welfare, safety or property of the City, the community or persons within or near the community.

Eligible: A person who has successfully met required qualifications for a particular position or a particular benefit.

Eligibility List: A list ranking of persons who are qualified for City employment in order of overall

qualification for the respective position. Eligibility lists and the names thereon shall remain valid for one (1) year from date of issuance.

Employee: A person who is employed by the City and compensated through the official payroll for services provided. Persons paid on a fee basis are not included. Persons may be employed on a full-time, or part-time or seasonal basis, and are further categorized as regular or temporary employees. Part-time, seasonal and temporary employees are not eligible for employment benefits provided to full-time employees except as expressly provided in this Manual.

Examination: The process of testing, evaluating and investigating the job-related skills, abilities and qualifications of applicants and employees.

Exempt Employee: Any employee employed in a bona fide executive, administrative, or professional capacity, as those terms are defined and limited in the *Fair Labor Standards Act*, 29 U.S.C. Sections 201 *et seq.*, and federal regulations promulgated pursuant thereto [29 C.F.R. Part 541], and any other employee exempt from the overtime pay requirements of the *Fair Labor Standards Act*.

FOP Contract: The labor agreement negotiated between the City and the La Vista Fraternal Order of Police, as amended from time to time.

Full-Time Employee: An employee who is expected to consistently and regularly work a minimum of forty hours per week for more than sixteen consecutive weeks.

Grievance: A disagreement relating to employment and working conditions or relating to relationships between an employee and his supervisor or other employees.

Holiday: The twenty-four (24) hour period starting at 12:01 a.m. and ending at 11:59 p.m. of a day observed by the City as a holiday.

Immediate Family: Includes an employee's

PERSONNEL RULES AND REGULATIONS

spouse, child, stepchild, parent, parent-in-law, brother, sister, brother-in-law, sister-in-law, nephew, niece, grandparent, grandparent-in-law, grandchild, or legal dependent.

Lay Off: The separation of a non-exempt employee made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

Leave: An authorized absence from regularly scheduled work hours which has been approved by proper authority.

Longevity Pay: Compensation paid to employees according to length of continuous full-time service in addition to base pay.

LVFOP: La Vista Fraternal Order of Police.

Merit Pay Increase: An increase in pay as established in the compensation plan which may be granted to an employee for meritorious service based on recommendation of the supervisor and approval of the City Administrator.

MVFD: Member(s) of the Volunteer Fire Department.

Non-Exempt Employee: An employee who is not an exempt employee.

Overtime: Authorized time worked in a workweek by a non-exempt employee in excess of the number of hours of work comprising the employee's standard work week.

Paid Leave: Any form of leave allowed to full-time employees for which compensation is provided which, depending on circumstances, may include vacation, personal, sick leave, funeral, civic duty leave and certain military leaves.

Part-Time Employee: An employee who is expected to normally does not regularly work more than and consistently work less than twenty-eight (28) forty (40) hours per week and in no case

works more than 1,456 hours in a year.

Pay Grade: The identifying number for a single rate or a range or pay rate as established in the salary grade table.

Pay Period: Employees are paid on a bi-weekly basis. The pay period is established in the annual compensation ordinance.

Pay Reduction: A decrease in pay. A pay reduction may result from demotion or reallocation of a position to a lower grade.

Per Diem: The maximum dollar amount per day per employee that the City will reimburse for actual food costs, including gratuity, related to approved travel and training. The City will not reimburse the cost of alcoholic beverages.

Performance Evaluation: A written appraisal of the work performance of an employee in terms of actual work requirements.

Permanent Employee: A regular employee who has satisfactorily completed the initial and any extended initial probationary period.

Personnel: A term to collectively refer to exempt and non-exempt employees and MVFD.

Personnel Board: The City Personnel Board established and created by City ordinance.

Probationary Increase: A one step pay increase granted to a regular employee who has satisfactorily completed the initial and any extended initial probationary period.

Probationary Period: A test period during which a regular employee, duly appointed or promoted, is required to demonstrate his or her abilities by actual performance of the duties of the position to which he/she is appointed or promoted.

Promotion: The movement of an employee from

PERSONNEL RULES AND REGULATIONS

one position to another position having a higher maximum pay rate.

Regular Employee: An employee who is not a temporary employee.

Reprimand: A formal disciplinary action designed to advise, caution, admonish or warn an employee and also to lead, guide, direct and instruct the employee in how to correct and avoid repeating a mistake, infraction, deficiency or problem.

Retirement: Voluntary action of an employee to withdraw from active employment by the City, for a reason other than obtaining another full-time regular position with the City.

Seasonal Employee: An employee who is designated as a seasonal employee at the time of appointment, ~~and and whose assignment e will will not exceed work twenty-six (26) consecutive weeks. No seasonal employee shall work more than 1,456 hours in a year full time hours (a minimum of 40 hours per week) for more than sixteen consecutive weeks.~~

Separation: The cessation of employment by reason of disqualification, end of temporary assignment, lay-off, resignation, retirement, dismissal or death.

Shift Worker: An employee whose normal work day consists of an eight (8) hour ~~or~~ ten (10) hour ~~or twelve (12) hour~~ shift, which is part of an operation or activity conducted 24 hours per day on a year round or other prolonged basis.

Standard Work Week: Schedule of operations for respective departments within the City:

1. Non-Police – Sunday through Saturday forty (40) hours per week.
2. Police Department - Sunday through Saturday, according to shift assignments - eighty (80) hours per

two week pay period.

Supervisor: An employee having authority to, in the interest of the City, direct the work efforts of other employees, evaluate their performance, and recommend such actions as hiring, transfer, promotion, discipline and termination.

Suspension: A form of discipline or administrative action consisting of relieving an employee from work with or without pay for a period of time.

Temporary Employee: An employee who is designated as a temporary employee at the time of appointment or movement to a temporary position.

Transfer: The movement of an employee from one department, division or unit of municipal government to another class having the same maximum salary rate, involving the performance of similar duties and requiring essentially the same qualifications.

Vacancy: A duly created position which is not occupied and for which funds have been provided.

Volunteer: A person who provides services to the City without compensation.

Volunteer Members of the Volunteer Fire Department (MVFD): ~~A person appointed to and certified for membership to a bona fide position within the volunteer fire and rescue department. Does not include retired or honorary members of the Volunteer Fire Department.~~

Workers' Compensation: A system established and limited by Nebraska state statutes to provide defined benefits respecting covered employees ~~or covered MVFD~~ who sustain injury or death by accident, or who contract occupational disease, arising out of and in the course of employment, and who are not willfully negligent at the time of injury.

SECTION V: SELECTION AND APPOINTMENT

ADOPTED:	RESOLUTION NO. 96-012	READOPTED:	RESOLUTION NO. 05-159
DATE:	FEBRUARY 6, 1996	DATE:	DECEMBER 20, 2005
AMENDED:	RESOLUTION NO. 97-018	AMENDED:	RESOLUTION NO. 09-072
DATE:	FEBRUARY 4, 1997	DATE:	AUGUST 4, 2009
AMENDED:	RESOLUTION NO. 02-099	AMENDED:	RESOLUTION NO. XX-XXX
DATE:	OCTOBER 1, 2002	DATE:	

5.1 **General Policy:** In making appointments, primary consideration will be given to the capabilities of candidates to perform essential functions with a high degree of efficiency and effectiveness, without unlawful regard to political affiliation, religion, race, sex, age, marital status, national origin, disability or other protected class.

5.2 **Hiring/Selection Process:** Department heads will notify the City Administrator as far in advance as possible of any requirements for additional personnel, setting forth such information as the number of additional employees ~~or MVFD~~ desired; education, training, experience, skills and other qualifications required; and other qualifications preferred. Upon receiving such notice, the City Administrator shall review the request for feasibility of filling the vacancy by promotion from within the department or transfer of employees from another department. Hiring, promotions, and transfer procedures for the police department shall conform to the procedure established by the Civil Service Commission in accordance with state statutes. If there are no suitable employees ~~or MVFD~~ available for promotion or transfer to the position, the vacant position will be filled by appointment. The City Administrator will initiate the selection process which may include some or all of the following steps:

- (1) Public announcement of the vacancy and notification of job placement agencies.
- (2) Receive applications.
- (3) Screen applicants for qualifications.
- (4) Administer employment examinations where applicable.
- (5) Conduct personal interview as appropriate.
- (6) Receive recommendation of department head.
- (7) Offer of employment ~~or membership in the Volunteer Fire Department~~, conditional upon passing a drug test and a job-related physical, as applicable.
- (8) Drug test and physical examination performed.
- (9) Make appointment.
- (10) City Council approval, if required

5.3 **Applicants for Employment and Volunteer Positions:** All applicants for employment must be eligible to be lawfully employed in the United States, be at least sixteen (16) years of age, and be able to perform with or without reasonable accommodation the essential functions of the position for which application is made.

~~All applicants for membership in the Volunteer Fire Department must be eligible to be lawful volunteers in the United States, be at least eighteen (18) years of age, and with or without reasonable~~

~~aceommmodation be able to perform the essential functions of the position for which application is made.~~

5.4 **Military Service Credit:** A veteran who has equaled or exceeded the minimum qualifying standards established by the City Administrator for initial employment by the City in a vacant position shall have five percent (ten percent, in the case of a disabled veteran) added to his or her passing score on any examination administered for the position if a claim for such preference is made on the application for employment. The definitions set forth in section 48-225 of the Nebraska Revised Statutes, as amended from time to time, shall apply in interpreting this provision. Those definitions presently are:

- (1) “Veteran” means any person who served full-time duty with military pay and allowances in the armed forces of the United States, except for training or for determining physical fitness, and was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions);
- (2) “Full-time duty” means duty during time of war or during a period recognized by the United States Department of Veterans Affairs as qualifying for veterans benefits administered by the department and that such duty from January 31, 1955, to February 28, 1961, exceeded one hundred eighty days unless lesser duty was the result of a service-connected or service-aggravated disability;
- (3) “Disabled veteran” means an individual who has served on active duty in the armed forces of the United States, has been discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) therefrom, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the United States Department of Veterans Affairs or a military department.

5.5 **Disqualification by Reason of Felony Conviction:** Applicants for employment ~~or Volunteer Fire Department membership~~ may be disqualified on the basis of a prior felony conviction if, taking account of all the facts and circumstances, the City Administrator determines there is a relationship between the nature of the offense and the position in question or that disqualification is warranted by business necessity.

5.6 **Disqualification:** The City Administrator may refuse to interview or test an applicant or, after testing when required, may disqualify such applicant, remove his/her name from an eligibility list, or consult with the appointing authority in taking steps to remove such person already appointed, if the applicant:

- (1) Does not meet the qualifications established for the position;
- (2) Is unable to perform the essential functions of the position, with or without reasonable accommodation, or if a requested or necessary accommodation would impose an undue hardship on the City’s operation, or if employment of the applicant would pose a direct threat to health or safety;

- (3) Has made a false statement of material fact in the application process;
- (4) Has used or has attempted to use political pressure or bribery to secure an advantage in the appointment;
- (5) Has directly or indirectly obtained information regarding the employee examination, to which, as an applicant, he/she was not entitled or authorized to receive and which conferred an unfair advantage on him or her in the examination process;
- (6) Has failed to submit his/her application correctly or within the prescribed time limits;
- (7) Has taken part in the compilation, administration or correction of an examination pertaining to a position for which he/she is an applicant;
- (8) Has previously been dismissed from a position in the City service for cause or resigned while charges for dismissal for cause were pending;
- (9) Has taken for another or allowed another to take for him/her all or part of any qualification examination, or has cheated in any other way on any such examination;
- (10) Has failed to pass a pre-employment drug test or refused to consent to such test as detailed in the City of La Vista Drug Testing Policy as attached; or
- (11) Has otherwise violated the provisions of these rules.

5.7 Part Time Appointments: Part-time employees shall not normally work more than 28 hours in any calendar week and no part-time employee shall work more than 1,456 hours in a year. Prior to the time that a former part-time City employee shall be rehired by any City Department in either a seasonal or part-time position, the employee must have a break in service from City employment that is either (a) if the employee worked for twenty-six consecutive weeks, then the break in service must be greater than or equal to twenty-six (26) consecutive weeks or (b) if the employee worked for less than 26 consecutive weeks, then the employee may be rehired if (i) the employee's break in service was at least four (4) consecutive weeks; and (ii) the employee's break in service is longer than the employee's immediately preceding period of employment with the City. The above reemployment time limit rules for former part-time employees may be waived by the Human Resources Department based on the number of hours the part-time employee previously worked with the City in the same year but in no instance will such employee be allowed to work more than 1,456 hours in a year.

5.8 Seasonal Appointments: Seasonal assignments shall not exceed twenty-six (26) weeks and no seasonal employee shall work more than 1,456 hours in a year. Upon completion of their seasonal assignment, such employee shall have their employment with the City terminated. Before being allowed to be rehired by any City Department in either a seasonal or part-time position, a former seasonal employee must have a break in service from City employment that is either (a) if the employee worked for twenty-six (26) consecutive weeks, then the break in service must be greater than or equal to twenty-six (26) consecutive weeks or (b) if the employee worked for less than 26

consecutive weeks, then the employee may be rehired if (i) the employee's break in service was at least four (4) consecutive weeks; and (ii) the employee's break in service is longer than the employee's immediately preceding period of employment with the City.

5.79 Probationary Period: All appointments and promotions to employment ~~or Volunteer Fire Department membership~~ with the City of La Vista are made subject to a satisfactory completion of a probationary period, during which the employee's performance will be subject to close review.

- (1) **Purpose:** The probationary period shall be utilized by the department head as an opportunity to observe the new or promoted employee's ~~or Volunteer Fire Department member's~~ work and work habits, to train and aid the employee ~~or MVFD~~ in adjustment to his/her position and to disqualify from further service in the position any employee whose work performance fails to meet satisfactory work standards.
- (2) **Duration:** All original and promotional appointments shall be tentative and subject to an initial probationary period of twelve (12) calendar months of actual service. The City Administrator may direct an additional three (3) month extension of the probationary period for any reason that the City Administrator deems adequate. The duration of the probationary period for positions covered by the Civil Service Ordinance shall be established in the rules and regulations of the Civil Service Commission. ~~The duration of the probationary period for Volunteer Fire Department members shall be established by the City Administrator after consultation with the Fire Chief.~~
- (3) **Transfer During Probationary Period:** An employee who is transferred to another position in the same or different class prior to the completion of his/her initial or extended probationary period shall complete that probationary period in the new position, but shall not be required to re-commence a new twelve-month probationary period. Verification of satisfactory employment in the new position by the department head will also constitute verification of satisfactory service in the former position.
- (4) **Dismissal During Initial or Extended Probationary Period:** At any time during the initial or extended probationary period, the appointing authority may remove and separate from employment ~~or membership~~, an employee ~~or MVFD~~ who, in the judgment of the appointing authority, is not performing satisfactorily. The appointing authority shall report the removal and the reasons therefor to the employee ~~or MVFD~~ concerned.
- (5) **Lay-off During Initial or Extended Probationary Period:** If, at any time during the initial or extended probationary period, an employee is about to be laid off because of reduction in force, the appointing authority, with the consent of the employee, may transfer such employee in lieu of lay-off if the employee is otherwise eligible and work is available in a lower or equivalent class. The initial or extended probationary period of an employee transferred in lieu of lay-off during such period shall include the period of probation served in the former class. No transfer of this kind shall be made if it will result in the separation of any other employee with longer service to the City. Employees accepting a transfer in lieu of lay-off shall have first opportunity at reinstatement in the original position if a vacancy subsequently occurs in the original position.

- (6) Demotion During Probationary Period: Permanent non-exempt employees of the City shall serve a new probationary period when promoted to a different position. If such an employee is removed from the promotional position during the new probationary period for reasons other than misconduct, as determined by the City Administrator, the employee shall be reinstated to his/her former or a comparable position at his/her former pay rate and benefits.
- (7) Satisfactory Completion of Probationary Period: The department head shall notify the City Administrator, normally at least ten (10) days prior to expiration of the initial or extended probationary period, whether the department head recommends that the employee be continued in the position. Except as provided in this paragraph, no employee shall be deemed to have satisfactorily completed his/her initial or extended probationary period, nor shall such period be deemed to have ended, until such facts have been confirmed in writing by the City Administrator. An employee who has not received such written confirmation by the scheduled expiration of his/her initial or extended probationary period may at any time thereafter submit a written request to the City Administrator for such confirmation. The City Administrator shall then, within ten (10) business days after receipt of the employee's request for confirmation, confirm in writing whether the employee has satisfactorily completed the probationary period and whether the period has ended, or take other appropriate action (such as: separating the employee, demoting the employee to the position from which transferred or to a comparable position, extending the employee's initial probationary period, etc.). If the City Administrator does not so notify the employee in writing or take such other appropriate action within ten (10) business days after documented receipt of the employee's written request for confirmation, the employee shall be deemed to have satisfactorily completed the probationary period and the period shall be deemed to have ended as of the eleventh (11th) business day after the documented receipt by the City Administrator of the employee's request for confirmation.
- (8) Appeal Rights of Probationary Period: An employee ~~or MVFD~~ who is demoted, disqualified from further service or dismissed during the initial or extended probationary period shall not have the right to appeal to the Personnel Board regarding any such action.
- (9) Accrual of Sick Leave and Annual Leave: Probationary employees shall accrue both sick and annual leave beginning on the date of appointment. Use of accrued sick leave during the probationary period is allowed. Use of accrued annual leave during the probationary period is allowed after six months of service.

- (b) Family Funeral Leave: A permanent regular full-time employee shall be eligible for paid leave to attend the funeral of a member of the immediate family of the employee, up to but not to exceeding five (5) days. An employee may request family funeral leave for a relative not included in the definition of "immediate family". These requests will be considered by Department Heads who shall have the authority to grant or deny said leave. Funeral leave shall not be granted for any other purpose and shall not be accrued. Eligibility begins after the successful completion of six months of continuous service with the City.
- (c) Non-Family Funeral Leave: A permanent regular full-time employee may be allowed paid leave to attend the funeral of an acquaintance/friend. Such leave shall not exceed four (4) hours per funeral, or twelve (12) hours per calendar year. In all cases, the employee must describe his/her relationship with the deceased. Department head and/or City Administrator approval is required for non-family funeral leave. Eligibility begins after the successful completion of six months of continuous service with the City.
- (d) Personal Leave and Funeral Leave shall be used in one hour increments.

(5) Military Leave of Absence:

- (a) Military Leave Pay
 - (1) State of Nebraska Non-Emergency Active Service: See Subsection 7.23(1) of this Manual.
 - (2) State of Nebraska Emergency Active Service: See Subsection 7.23(2) of this Manual.
 - (3) In any case in which this Personnel Manual or Nebraska law require the City to pay an employee respecting an absence due to military service, the calculation will be made based upon the actual number of hours of City work and City pay actually missed by the employee on the actual day(s) the employee was absent due to such military service. The foregoing shall apply whether the employee's absence is for nonemergency military service requiring the City to pay the employee full City pay for up to a certain number of hours in any one calendar year or whether the employee's absence is for a state of emergency leave of absence requiring the City to pay only the difference between the state active service base pay actually earned and the City pay the employee would have earned had the employee not been absent. See Section 7.23 of this Manual.
- (4) Federal Service.
 - (A) Employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve may take Military Leave when ordered into or employed in the military service of the United States (i.e., the federal government). See Section 7.23 of this Manual.

Non-exempt Employees: During the first year of employment all full-time non-exempt employees shall earn forty-eight (48) hours of paid vacation time. No vacation may be taken until the employee has successfully completed six months of continuous employment with the City. Starting the second year of continuous employment, paid vacation time will be earned at a rate of 88 hours per year. For continuous employment with the City thereafter, an additional eight (8) hours of paid vacation time is earned at the beginning of each calendar year for each additional year of service. All paid vacation time is accrued on a bi-weekly basis. The total paid vacation leave earned per year shall not exceed 23 days (184 hours).

Permanent Part-Time Employees: After successful completion of six (6) months of continuous employment, permanent part-time employees who work a minimum of twenty (20) hours per week shall earn forty (40) hours of paid vacation time per year. All paid vacation time is accrued on a bi-weekly basis. The total paid vacation time earned per year shall not exceed 5 days (40 hours).

Exempt, Non-exempt, and Permanent Part-Time Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 220 hours.

Use of Vacation Leave:

- (a) Vacation leave may be scheduled or taken only with the approval of the employee's department head and/or the City Administrator.
- (b) Vacation leave will only be approved if it will not be disruptive to the work schedule of the departments concerned and/or the operations of the City.
- (c) Upon satisfactory completion of six months of continuous employment, regular full-time employees and permanent part-time employees shall be entitled to begin using earned vacation leave. Vacation shall not be used in increments of less than one hour. Use of vacation leave in increments of less than four hours must be approved at least forty-eight (48) hours in advance and may be taken only at the beginning or at the end of the employee's work day.
- (d) If a day designated as a paid holiday for the employee falls during an employee's vacation, the day shall not be charged as vacation time. An employee who leaves the employment of the City shall be compensated for vacation leave earned and accrued as provided herein.

(4) Personal Leave and Funeral Leave:

- (a) Personal Leave: A permanent regular full-time employee shall be eligible for two (2) days of paid personal leave per City fiscal year, beginning after the successful completion of six months of continuous service with the City. Personal leave shall not be accrued, and personal leave not used by the end of the final full pay period in the fiscal year (September) for which it is allowed shall be forfeited; provided, however, that the City Administrator may allow a new employee an extension of time within which to use personal leave time, not to exceed six (6) months after the eligibility date.