

## **SECTION 3: Benefits**

### **I. Benefits Plans offered by the City**

- A. The City shall furnish medical, dental, or other such benefits at their discretion.
  - 1. For details of coverage, see City's Benefits Summary.
  - 2. This insurance is effective so long as the employee remains on the full-time payroll.
  - 3. Benefits are determined by the city including plans, coverage, eligibility, cost, and effective dates are at the sole discretion of the city and may be modified, added, or dropped by the City as deemed necessary and as provided by the budget annually.
  - 4. The City shall comply with any applicable laws as applicable in the administration of benefits.
- B. Additional supplemental or "voluntary" insurance coverage for employees and members of their families may be offered by the City and will be communicated if such benefits are instituted, added or changed. Supplemental or "voluntary" benefits are typically paid 100% by the employee.

### **II. Workers Compensation**

- A. The City carries a workers' compensation insurance policy.
- B. In cases of job related injuries, provisions and benefits available under workers' compensation are activated.
- C. Employees must notify their immediate supervisor within 24 hours of an injury or illness that is work related so that a proper claim or notice of claim may be filed with the city's workers compensation carrier.
  - 1. Employees are expected to clearly relay the place, time, and date of any work-related illness/injury as well as any witnesses that were present.
- D. When an employee becomes eligible for workers compensation benefits due to an on-the-job injury or illness and also qualifies for FMLA job protected leave, the City of Celina will require the use of accrued sick and vacation leave to compensate for the difference in Workers Compensation wages from the full pay an employee normally receives in an 80 hour, biweekly pay period. Should sick and vacation leave balances become zero, employee's differences will be paid out of the salary budget as supplemental pay.
  - 1. Workers Compensation will be paid on a weekly basis. The city will combine the check values received in each designated pay period from Workers Compensation to determine the value of the check the City will disperse in order to fully compensate the employee. Should the check values from Workers Compensation exceed an employee's normal 80 hour, biweekly pay check; the employee will not receive any supplemental pay benefits.
  - 2. It will be the employee's responsibility to provide payroll with the evidence of their receipt of a check within the designated pay period. Employees who do not complete this responsibility will forfeit their right to a supplemental check.
  - 3. Employees whose normal schedule often includes overtime will not be given supplemental pay above 80 hours per pay period.
  - 4. There will be a 60 day limit on supplemental pay benefits. If the employee has no leave accrued or their balances deplete before the 60 day period we will pay out supplemental pay until the 60 day period has expired. Once the 60 day

period has expired, employees will only receive the checks from workers compensation without any supplemental benefits.

5. Should there be an initial overpay balance due to a delay in benefits from Workers Compensation and the normal pay of the employee's salary, the employee will be required to pay back the balance incrementally per pay period upon the return to work, until the balance is completely paid off.

### **III. Social Security**

All of the employees of the city are covered under the Federal Insurance Contribution Act (FICA). This type of government insurance, known as "Federal Old Age and Survivor's Insurance," provides for benefits for retirement, disability or upon death in accordance with federal guidelines.

### **IV. Unemployment**

All employees of the city are covered under the Texas Unemployment Compensation Insurance program and the Federal Unemployment Tax Act (FUTA). This program provides payment for unemployed workers in certain circumstances as provided by law. The city pays an unemployment tax on behalf of each employee on a portion of the employee's earnings to finance this benefit.

### **V. Holidays**

- A. All permanent full time employees are eligible for the following City designated holidays:
  - New Year's Day
  - Martin Luther King's Day
  - Good Friday
  - Memorial Day
  - Fourth of July
  - Labor Day
  - Veteran's Day
  - Thanksgiving Day
  - Day after Thanksgiving
  - Christmas Eve
  - Christmas Day, and
  - Any other day as declared by the city manager and/or city council as a designated official city holiday.
- B. Seasonal and part time employees are not paid for the holiday time off.
- C. Employees desiring to observe religious holidays not coinciding with officially designated city holidays may be given time off without pay or allowed to use accrued vacation leave.
- D. Employees are not allowed to take an alternate day off for a holiday prior to the actual holiday occurring unless authorized by the department head and/or City Manager.
- E. Any employee that is required to work on the designated holiday, or they are regularly scheduled to be off on a day which the holiday falls, may be given an alternate day off, but this must be done in the same calendar year as the holiday occurred.

1. Alternate days off must be requested and approved through the department head.
  2. Departments have the authority to approve or reject the alternate day off request due to minimum staffing or other conflicts that arise.
- F. Unless otherwise communicated by the City Manager, a holiday which falls on a:
1. Saturday shall be observed on the preceding Friday.
  2. Sunday shall be observed on the following Monday.

## **VI. Vacation**

- A. Full time employees will receive the following vacation time:
1. General/Police Employees:
    - a) 2 weeks per year up to completion of 5 years of service
    - b) 3 weeks per year beginning the 6th year of service and through 10 years of service
    - c) 4 weeks per year upon completion of 10 years of service
  2. Fire Employees:
    - a) Full time Fire Employees receive 1 ½ times the vacation of general employees in
      1. a), b) and c).
- B. Vacation must be requested in advance and is approved through the department.
1. Employees are not eligible to take vacation leave until completion of the introductory period.
  2. Vacation leave shall only be charged for time during which the employee would have worked on shift for that day.
- C. A supervisor may approve or reject a request dependent upon minimum staffing or other departmental needs.
- D. Vacation leave accrued shall be limited to 240 hours for general/police employees and 360 hours for Firefighters.

## **VII. Sick Leave**

- A. Sick leave accrues at the rate of 1-day per continuous month of service for full time employees for a total of 12 days per year.
1. Employees who begin employment before the 16<sup>th</sup> of the month or who leave employment after the 15<sup>th</sup> of any month shall earn sick leave credit for the month.
  2. Employees who begin employment on or after the 16<sup>th</sup> or who separate on or before the 15<sup>th</sup> shall not earn sick leave credit for that month.
  3. Employees are not eligible to take sick leave until completion of the introductory period except in extenuating circumstances approved by the City Manager or Human Resources.
  4. Sick leave accrual is unlimited.
  5. Sick leave may not be taken before it is earned.
  6. If an employee becomes ill and cannot report for work, he/she must call in at least one-hour in advance of the start time of their shift. Failure to report in will cause an employee's absence to be charged to leave without pay.
  7. If sick leave is exhausted, vacation may be used for additional time off needed.

8. An employee terminating from employment will not be eligible to use sick leave in the last two weeks of employment unless providing a doctors certification of the need for leave.
  9. Departments are responsible for properly tracking and recording sick leave usage by employees for timekeeping purposes.
- B. Employees will be charged sick leave based on the hours taken or the total hours they are scheduled to work on that day if absent a full day.
  - C. Sick leave may be used for an employee's illness or to care for a spouse/child/parent, non-work related injury or health-related appointments that cannot be reasonably scheduled during non-working hours.
  - D. Excessive use, misuse, misrepresentation and/or abuse of sick leave benefits is grounds for disciplinary action up to and including termination. The City needs employees who are able to be at work on a regular and dependable basis. The excessive use, misuse or abuse of sick leave may be evidenced as follows, but is not limited to these examples:
    1. Misrepresenting the need to use sick leave.
    2. Falsifying or altering healthcare provider notices, reports, releases or other such physician documentation.
    3. Evidence of a pattern of sick leave usage, such as frequently using sick leave before/following holidays, weekends, or shift days.
    4. Using leave on days that evidence a pattern (such as 1 Friday per month; calling in sick during a similar period of time on a routine basis).
    5. Taking excessive leave (such as an entire day for an appointment).
    6. Failing to accumulate sick leave where usage is frequently in single day or partial day increments or used as soon as it has been accrued.
    7. Performing secondary work while on sick leave.
    8. Participating in actions or activities that are not consistent with the requested need and use of sick leave or which conflict with the physician's certification and/or limitations.
  - E. Employees who become ill or injured during the period of their vacation may request that their vacation be temporarily terminated and their time charged to sick leave from the point they became ill.
  - F. Departments may request a doctor's note if deemed warranted in any case. Employees shall provide a doctor's note for any absence greater than 3 consecutive workdays. Failure to do so may result in dismissal, suspension and/or forfeiture of such pay.
  - G. Unused sick leave is not paid out upon separation from employment.

### **VIII. Bereavement**

- A. All full time employees may be granted leave with pay for a period not to exceed three (3) work days to attend a funeral and handle the necessary family details in case of death in their immediate family or other relative living in the same household. This leave will not be charged against sick leave or vacation. Part time, seasonal, and temporary employees may be granted leave without pay for the same duration and reason.
- B. Immediate family for the purposes of this leave, include spouse, son, daughter, mother, father, mother-in-law, father-in-law, employee's grandparents, brother and sister.

- C. For family members not included in the above category, leave may be taken but must be approved by the supervisor and charged to vacation time.

**IX. Donated Leave**

A. Purpose

- 1. Donated leave allows employees to assist and support fellow employees whose leave has been depleted.

B. Eligibility:

- 1. All regular and full time employees who are eligible to accrue vacation leave are eligible to donate vacation time to be used by another employee.
- 2. Seasonal, temporary or contract employees who are in budgeted positions of less than 20 hours per week and ineligible for leave are not eligible to donate or receive leave.
- 3. All regular full- and part-time employees who have completed their introductory period are eligible to request and receive donated leave provided they have depleted all available leave balances.
- 4. Employees eligible to receive donation must be in good standing and not have demonstrated disciplinary issues, or misuse or excessive use of their own leave balances for reasons that cause a question as to the legitimacy of the need for leave.
- 5. Employees may request donated leave in cases of illness, incapacitation, or catastrophic reasons (house burning down, etc) as reviewed and approved by the City Manager.

C. Donation Procedures

- 1. Employees requesting leave must complete a Leave Donation Request form and submit to Human Resources
- 2. Human Resources will review with the City Manager to confirm agreement on eligibility and solicitation.
- 3. A request for leave will be solicited from employees by Human Resources or the City Manager's Office. In no case shall medical information or the reason for the need for leave be shared with others, except those with a business need to know (such as the chain of command) to protect the privacy of the employee.
- 4. Employees wishing to donate must complete a leave donation form and indicate the amount of vacation time to be donated. No other type of leave is eligible for donation.
  - a) Donated leave may be in whole hour increments only.
  - b) Leave donated will only be applied as needed. If it is not needed, it will not be removed from the donating employee's balance.
  - c) Unused donated leave that was previously applied will be returned to the donating employee's leave balance.
  - d) Leave donated will be converted to sick leave once applied to the receiving employee's leave.
  - e) An employee may not donate more than 50% of their available vacation leave balance.
- 5. Employees in need of donated leave may not receive more than six (6) months of donated vacation leave. It is the receiving employee's responsibility to review and understand all available benefits.
- 6. Donated vacation time is counted and taxed as income.

7. Employees found to have misused donated leave or misrepresented/falsified the reason for the need for donated leave may be disciplined up to and including termination.

**X. Confidentiality of Medical Information**

- A. Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee.
- B. Human Resources maintains these confidential medical files. Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:
  1. A note to justify an absence;
  2. A note to request a leave;
  3. A note to verify the employee's ability to return to work;
  4. Medical records to support a claim for sick pay or disability benefits;
  5. Insurance records;
  6. Workers' compensation records; and
  7. Medical history records
- C. The City does not request genetic information from an applicant, employee, or health care provider.
  1. The City discourages health care providers from sending genetic information.
  2. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.
- D. It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or to Human Resources.
  1. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.
- E. In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information.
- F. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

**XI. Group Health Continuation Coverage**

- A. COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the total cost of any such continuation coverage plus a 2% administration fee (102% total of the employee and city portion combined).
- B. Under COBRA, employees may elect COBRA continuation coverage:
  1. For up to 18 months after

- a) Termination of employment (unless the employee is terminated due to gross misconduct), or
  - b) If an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan.
- 2. For up to 36 months following a qualifying event if a dependent loses eligibility under federal regulations and certain circumstances.
- C. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.
- D. Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs.
- E. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan from the city's insurance plan.

## **XII. Education, Certifications and Licenses**

- A. The City will reimburse an employee for certifications, licenses or continuing education if such is:
  - 1. Required for the position by another entity (such as the State of Texas or TCEQ) in order for the employee to be able to perform certain functions of his/her position (such as a water quality or signal technician license).
  - 2. Not required, but is directly relevant to the position for which the employee is occupied and obtaining such would add value to the employee and the city.
  - 3. Requested by the employee and approved by the city manager.
- B. Such approvals for licenses, certifications and continuing education are at the discretion of the city manager annually based on available budget and may change without notice.
- C. Upon passing completion of a required license or certification, the employee may be awarded a monetary bonus, determined by the department head. The full amount of the corresponding bonus will be divided between six (6) months or thirteen (13) pay periods. Should an employee leave prior to the end of the six month period, he or she will forfeit their right to the remainder of the bonus not yet paid out.

## **XIII. Retirement**

- A. All full- and part-time employees budgeted and scheduled to work at least 1,000 hours per year at the time of their employment shall become members of the Texas Municipal Retirement System.
  - 1. Seven (7) percent of the employee's gross wages shall be deducted each pay period for deposit into the system.
  - 2. The City will contribute an amount equal to fourteen (14) percent of the employee's salary for deposit in the system, to be credited toward the employee's retirement fund.
  - 3. It is the City's option to change benefits via ordinance as determined necessary for affordability, benefits desired, competitive ability and in accordance with available funding/budget.

4. A member must be 1) at least 60 years of age with 5 years of creditable service, or 2) any age with 20 years of creditable service to retire.
5. Additional information for employees is available through TMRS publications or at [tmrs.org](http://tmrs.org).

#### **XIV. Jury Duty**

- A. Employees receiving a jury duty summons are expected to fulfill their obligation of citizenship by serving when called.
- B. Employees who are subpoenaed as witnesses for the City or as an expert witness shall be excused from duty for the amount of time necessary to attend the jury selection process and/or service.
  1. Employees must notify the supervisor as soon as notice is received and shall receive regular pay during such period required to be in attendance for jury selection or service.
  2. Supervisors may require the employee to provide the official Certificate of Attendance from the court as certification.
- C. Should jury duty fall within a scheduled vacation period, the vacation period may be extended by a corresponding number of days, or the employee may schedule that number of days at another time.
- D. Non-exempt (hourly) off-duty personnel who are subpoenaed as witnesses for the City, or who are subpoenaed as expert witnesses in any litigation, shall receive overtime if their work-week hours exceed 40 as a result or may be required to flex time off if such can be done in the same work-week so that overtime may be mitigated.
- E. Employees required to appear in court for reasons other than a jury subpoena or city-related business shall be excused from duty. However, employees must use vacation leave or other personal time (compensatory time, etc.). If the employee does not have accrued vacation or comp time, the time off will be unpaid.
- F. Jury Duty shall be properly noted on the timekeeping records.

#### **XV. Military Leave**

- A. Covered Employees
  1. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military.
  2. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.
  3. This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.
- B. Notice to City of Need for Leave
  1. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity).

2. Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders.
  3. To be eligible for paid military leave, employees must complete and submit a military leave request along with the official documents setting forth the purpose of the leave and, if known, its duration.
  4. The military leave request form must be turned into the Department Director and to Human Resources as far in advance of the leave as possible.
- C. Paid and Unpaid Leave for Training and Duty
1. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year.
    - a) Shift employees will be transitioned to a 40 hour work week during military absences.
    - b) This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.
  2. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.
  3. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.