

**RESOLUTION NO. 2022-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.07 VACATION LEAVE, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS.**

**Whereas**, the City Council believes its personnel policies should reflect the needs of the City and meet all applicable state and federal labor laws; and

**Whereas**, it is necessary to update, revise, and clarify language in the City of Burnet Personnel Policies consistent with laws, regulations, and industry standard practices; and

**Whereas**, the City of Burnet has previously adopted Ordinance No. 2009-31, Personnel Policy Manual on December 8, 2009; and

**Whereas**, the Personnel Policy Manual was last revised on August 24, 2021; and

**Whereas**, the City Council believes it is in the best interest of the City and its employees to make additional amendments to said Personnel Policy Manual; and

**Whereas**, the City Council has reviewed the proposed amendments to the Personnel Policy Manual and has determined the need to update and clarify those sections.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section 1.** The City Council hereby accepts and adopts the amendment to the Personnel Policy to include Section 8.07 Vacation Leave as attached hereto as Exhibit "A" with an effective date of March 1, 2022.


**Section 2.** The findings and recitations set out herein above are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 3.** If any provision of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.


**Section 4.** That it is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

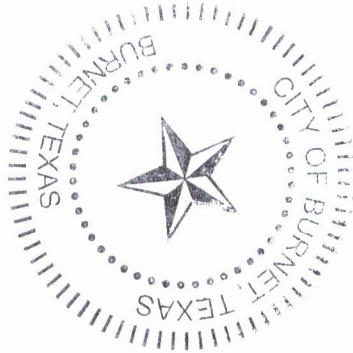
**PASSED AND APPROVED** on this 22<sup>nd</sup> day of February 2022.

**CITY OF BURNET, TEXAS**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary



## **EXHIBIT A**

### **8.07 VACATION LEAVE (Revised 2-22-2022, Resolution 2022-\*\*)**

#### **I. PURPOSE/POLICY**

1. Vacation leave is an earned benefit intended to provide time away from the work environment to pursue activities that will promote the wellbeing of the individual.
2. All regular full-time employees shall accrue vacation leave upon employment.
3. Eligibility and accrual rate of vacation benefits is determined by the date of regular full-time employment to the City of Burnet.
4. Earned vacation leave may be used after successfully completing 90 days of full-time employment; vacation leave is forfeited if employment is terminated (voluntarily or involuntarily) before an employee successfully completes 1 year of employment.
5. Part-time, temporary and seasonal employees shall not earn vacation leave and shall not be entitled to vacation time.
6. Official City of Burnet observed holidays occurring while an employee is on approved paid vacation leave shall be considered as paid holidays and do not affect vacation leave balances.
7. Employees on workers compensation will not accrue vacation leave when the employee is unable to work and being compensated by workers compensation benefits.
8. Employees on an unpaid leave of absence will not accrue vacation leave.
9. An employee on disciplinary suspension forfeits all claims to use vacation leave for the duration of the disciplinary suspension.
10. If an employee becomes ill while on approved vacation leave, sick leave will be used. Documentation/verification from a licensed physician's may be required.
11. Employees may not "borrow" unearned vacation time.

#### **II. USE OF VACATION LEAVE**

1. All requests for vacation leave must be approved by the Department Director prior to time leave is to start. Department Directors must have approval from the City Manager prior to the time the leave is to start. Request forms are available from the Department Supervisor or the Human Resources Department.
2. Employees shall not be authorized to take in excess of two weeks (consecutively) of vacation leave, without the prior written approval of the Department Director, except when the employee is on approved Family and Medical Leave (FMLA) or leave of absence.

3. To ensure proper payment of vacation pay, employees must submit a vacation leave request within Time Entry (ESS) or an approved leave request form prior to the vacation time beginning.

#### A. Vacation Accrual Limits

1. An employee may accrue as many hours of vacation as authorized per the approved vacation schedule throughout the calendar year. In addition, earned but unused vacation leave accrues from year to year up to the maximum number of hours stated below. At each calendar year end, unless a balance carry-over is approved by the City Manager, any vacation balance in excess of the maximum number of hours authorized shall be forfeited. Any balance carry-over request for the City Manager must be approved by the Mayor. Under no circumstances at calendar year end will vacation hours over the maximum be compensated to the employee.
  - a) Regular personnel, except shift Fire/EMS and Police, may accrue a maximum of 240 hours.
  - b) Police Department personnel working a 12-hour shift may accrue a maximum of 258 hours.
  - c) Fire/EMS Department personnel working 24-hour shifts may accrue a maximum of 336 hours.

#### B. Compensation of Vacation Leave

1. Vacation leave is paid at the employee's base rate at the time of the leave. It does not include overtime or any special forms of compensation. Vacation time is paid only for scheduled hours the employee would ordinarily have worked.
2. Employees will not be paid for any unused vacation except upon separation of employment.
3. Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed 1 year of employment are entitled to this payout provision upon separation.
4. Separating employees will not be authorized to use vacation leave during their resignation period unless approved in advance by the City Manager.

#### C. Accrual of Vacation

1. Vacation leave will be earned and credited, according to the vacation accrual schedule below, to regular full-time employees for each completed pay period worked.

Vacation Earning Schedule Pay Period Accrual - Full-time employees, including non-shift police and fire department personnel earn vacation leave as follows:

<b>REGULAR FULL-TIME EMPLOYEES (Except Fire/EMS and Police Shift Personnel) Maximum of 240 Hours</b>		
<b>Years of Service</b>	<b>Hours Per Pay Period</b>	<b>Hrs. Accrued Yearly</b>
0 - 5	3.08	80
6- 15	4.62	120
16	4.92	128
17	5.23	136
18	5.54	144
19	5.85	152
≥ 20	6.15	160

Vacation Earning Schedule Pay Period Accrual – Full Time police shift personnel earn vacation leave as follows:

<b>REGULAR FULL-TIME EMPLOYEES (Police Shift Personnel) Maximum of 258 Hours</b>		
<b>Years of Service</b>	<b>Hours Per Pay Period</b>	<b>Hrs. Accrued Yearly</b>
0 - 5	3.23	84
6- 15	4.85	126
16	5.12	133
17	5.39	140
18	5.69	148
19	5.96	155
≥ 20	6.23	162

Vacation Earning Schedule Pay Period Accrual – Full Time fire shift personnel earn vacation leave as follows:

<b>REGULAR FULL-TIME EMPLOYEES (Fire /EMS Shift Personnel) Maximum of 336 Hours</b>		
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<b>Years of Service</b>	<b>Hours Per Pay Period</b>	<b>Hrs. Accrued Yearly</b>
0 - 5	4.62	120
6- 15	6.92	180
16	7.38	192
17	7.85	204
18	8.31	216
19	8.77	228
≥ 20	9.23	240

**Existing Policy**

**8.07 VACATION LEAVE**

No vacation leave benefits vest with a new City employee during the first year of employment. Upon completion of the initial one-year employment period, vacation leave benefits, figured from date of employment, are credited to the employee, and are available for use. Thereafter, earned vacation leave is earned and credited to the employee at the beginning of each pay period.

Regular employees normally scheduled to work five eight-hour days per week, Monday through Friday, earn vacation leave as follows:

<b>At the completion of Years of Service</b>	<b>Days per Year</b>
1 year	5 days*
2 through 5	10 days
6 through 15	15 days
16 and over	1 additional day per year for a maximum of 20 days
For the purposes of this table, 1 day equals 8 hours	

Regular employees normally scheduled to work four ten-hour days (4/10's) per week earn vacation leave as follows:

<b>At the completion of Years of Service</b>	<b>Days per Year</b>
1 year	4 days*
2 through 5	8 days
6 through 15	12 days

16 and over	.8 additional days per year for a maximum of 16 days
For the purposes of this table, 1 day equals 10 hours	

Police Department shift-employees working 12-hour shifts earn vacation leave as follows:

<b>Years of Service</b>	<b>Days per Year</b>
1 year	3.5 days*
2 through 5	7 days
6 through 15	10.5 days
16 and over	.7 additional days per year for a maximum of 13.5 days
For the purposes of this table, 1 day equal 12 hours	

Fire/EMS shift-employees working 24-hour shifts shall earn vacation leave as follows:

<b>Years of Service</b>	<b>Days per Year</b>
1 year	2.5 days*
2 through 5	5 days
6 through 15	7.5 days
16 and over	.5 additional day per year for a maximum of 10 days
For the purposes of this table, 1 day equals 24 hours	

*\*Accrual is posted as a lump sum at the end of the first year of service.*

Shift employees are employees subject to shiftwork, i.e.: Police Officers, Fire/EMS employees, etc. Part-time and temporary employees do not earn vacation leave.

Earned but unused vacation leave accrues from year to year up to a maximum of 240 hours. Each calendar year end, any vacation balance in excess of 240 hours, is dropped from the records without compensation to the employee. Police Department personnel working a 12-hour shift would be allowed to accrue a maximum of 258 hours and Fire/EMS Department personnel working 24-hour shifts would be allowed to accrue up to 336 hours before losing any unused vacation.

After one year's service leave credits are posted to the employee's account at the rate prescribed above. No advance of unearned vacation leave benefits will be made.

No more than two (2) weeks' vacation can be taken at any given time, unless special provision is made with the Department Director, or in the case of a request by the Department Director, the City Manager.

All requests for vacation leave must be approved by the Department Director prior to time leave is to start. Department Directors must have approval from the City Manager prior to the time the leave is to start. Request forms are available from the Department Supervisor or the Human Resources Director's office.

Active employees are not eligible to receive payment for unused vacation. Upon the termination from City employment, regular employees will be paid for accrued and unused vacation leave.