8. LEAVE PLANS

Employees who are in positions covered by a labor agreement receive leave benefits as specified in the labor agreement.

8.1. Annual Leave

8.1.1. Annual Leave Accrual

Except as noted, all accrual rates are expressed in terms of fractions of an hour earned for each regularly scheduled hour worked or on paid leave. Employees do not earn extra annual leave for overtime hours worked.

Accrual of annual leave for eligible employees shall be as follows:

Beginning the Pay Period Following;	Through the Pay Period During Which the Employee Completes	Hours Accrued for Each Regularly Scheduled Hour on Paid Status
Date of hire to an eligible position	2 years of eligible employment	0.0385 (80 hours)
2 years of eligible employment	5 years of eligible employment	0.05 (104 hours)
5 years of eligible employment	10 years of eligible employment	0.0577 (120 hours)
10 years of eligible employment	15 years of eligible employment	0.0692 (144 hours)
15 years of eligible employment		0.0769 (160 hours)

8.1.2. Regular Part-time Employees

Employees regularly scheduled to work twenty (20) hours or more per week will accrue annual leave.

8.1.3. Eligibility Maximum Accrual

A. All regular part-time and full-time employees will accrue annual leave benefits beginning with the first pay period after the employee's date of hire.

B. It is expected that eligible employees will use their earned vacation annually. However, each calendar year, employees may carry-over up to 240 hours of annual leave for use in the following year. Accrued annual leave in excess of 240 hours at the end of the last pay period ending in the calendar year will be paid at the employee’s regular rate of pay during January of the next year. The paid hours will be removed from the employee’s accrued vacation total.

C. Annual leave is accumulated in an employee's account on a biweekly basis, coinciding with paydays. The amount of accrual is based upon years of service. Years of service are reduced for leaves of absence without pay in excess of fifteen (15) working days.

8.1.4. Using Annual Leave

Annual leave is provided to employees for the purpose of rest and relaxation from their duties and for attending to personal business. Hours accrued in one pay period cannot be used in the same pay period. The hours must be included in the employee's annual leave balance before the employee can charge hours off work against them.

8.1.5. Cash Out of Annual Leave

A. An employee may be paid for unused annual leave if the following conditions are met.

1. The employee makes application to the Department Head at least two (2) weeks before the payment is desired.
2. The employee has taken at least five (5) days of vacation during the twelve (12) months prior to the request for cash out.
3. The employee will have a minimum of eighty (80) hours of combined accrued, unused annual leave and administrative leave remaining after the cash out is made.
4. The employee has not yet received a payment for cashed out leave during the calendar year.

B. Payment will be made on the payday following approval of the request at the rate of pay in effect on the day on which the request was made. Cashed out annual leave hours are removed from the employee's accrued annual leave bank.

8.1.6. Annual Leave Pay at Termination

Upon termination of employment, an employee with more than six (6) months service with the City will be paid for all earned and accrued annual leave at the employee's rate of pay.

8.2. Sick Leave

8.2.1. Policy

A. Attendance

The City expects that each employee be available for work on a regular and reliable basis. Attendance and leave use is monitored from this perspective whether or not the employee has accumulated leave balances in his/her sick leave account.

B. Use of Sick Leave

Sick leave is for use in those situations in which the employee must be absent from work due to:

(1) Physical illness or injury to the employee.

(2) Exposure to contagious diseases or whose attendance is prevented by public health requirements.

(3) Physical illness or injury of a dependent child or spouse or parent who is dependent upon the employee for support.

(4) Medical or dental appointments for the employee provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day.

(5) Disability caused or contributed to by pregnancy, miscarriage, abortion, or childbirth.

Employees who report sick shall be at their place of residence, a medical facility, their doctor's office, or shall notify their supervisor of their whereabouts when using sick leave. Any gainful employment, pursuit of personal business, recreation, travel for recreation or non-sick leave purposes, or such other activity when an employee is on sick leave may be considered evidence of abuse of sick leave.

C. Abuse of Sick Leave

Abuse of sick leave is cause for disciplinary action, including termination.

D. Accrual

(1) All employees regularly scheduled to work at least 20 hours per week are eligible to accrue sick leave. Eligibility to accrue sick leave is established at the beginning of the pay period following the beginning of work in eligible employment.

(2) An employee who has established eligibility will accrue sick leave at the rate of 0.05 hour per regularly scheduled hour worked or on paid status. Sick leave is not accrued for any other hours.

(3) Sick leave hours are earned and placed in the employee's account on a biweekly basis, coinciding with paydays.

(4) Unused sick leave shall continue to be carried over and added to the employee's unused sick leave balance up to a maximum of 720 hours. Any accrued, unused sick leave hours in excess of 720 hours at the end of the last pay period ending in the calendar year will be paid at one-half (1/2) of the employee's regular rate of pay during January of the next year. Paid hours are removed from the employee's accrued sick leave bank.

E. Family Sick Leave Use

An employee may use accrued sick leave to personally care for any of the following members of his/her family who are incapacitated by illness or injury: a spouse, child, father, or mother.

F. On-the-Job Injury

See section 6.6 Workers Compensation Insurance

G. Sickness beyond Accrued Sick Leave Benefits

Employees who use all of their accumulated sick leave and require more time off work due to the illness or injury shall use any remaining accumulated annual leave and other paid leave benefits for the hours not worked, and may use accumulated compensatory time off. After exhausting accrued paid leave, time off without pay may be granted, provided no overtime exempt employee who has exhausted all leave benefits shall be docked in their monthly salary for any day on which the employee works for a portion of the day.

H. Return To Work

An employee on sick leave shall notify his/her Department Head as soon as he/she is able to return to work. An employee returning from a lengthy absence shall give as much advance notice of return as possible.

I. Sick Leave at Separation

(1) After five (5) years of service, when an eligible employee terminates his/her employment with the City due to resignation, retirement or disability, the employee shall receive a one-time recognition payment based upon the amount of unused sick leave remaining in his/her sick leave account. Employees will be paid for any unused sick leave at the rate of one-half (1/2) of his/her regular rate of pay.

(2) If the separation is due to death of the employee, the compensation due will be paid at 100% of his/her regular rate of pay to the beneficiary(ies) designated by the employee.

J. Illness during Annual Leave

Should an employee become ill while on annual leave and require medical attention or hospitalization, the time ill may be charged to accumulated sick leave.

K. Sick Leave/FMLA

Regardless of the amount of any additional accrued sick leave, nothing in this policy is intended to imply that an employee who is not available to work, beyond the expiration of any applicable Family Medical Leave Act (FMLA) rights, is entitled to continued employment. The City reserves the right to terminate based on business needs/requirements. Granting of any additional sick leave is at the sole discretion of the City.

8.2.2. Procedure

A. Leave Approval

For absences due to planned treatment and doctor appointments, a "Leave Request" form shall be submitted before the absence. For unplanned absences, an employee shall complete a "Leave Request" form immediately upon return to work. The Department Head shall determine whether to approve use of accrued sick leave. Such approval shall be granted whenever such leave can reasonably be found to be allowed by this policy.

NOTE: For medical absences of more than three (3) days the City may require leave be taken under the provision of the Family and Medical Leave Act. See 8.3

B. Notification

Any employee who is ill or unable to report to work for any reason shall notify his/her immediate supervisor no later than fifteen (15) minutes (or as soon thereafter as is possible) following the employee's normal work reporting time. In the event of a continuing illness, the employee shall continue to notify his/her immediate supervisor

weekly or at appropriate times agreed on by the supervisor of his/her ability to report to work. Sick leave may be denied for noncompliance and personnel action may be imposed.

C. Doctor's Certification

The City may require an employee to provide a medical doctor's statement certifying the illness/injury incapacitated the employee from performing his/her duties, and leave (absence from work) was necessary for the employee to make full and timely recovery, or was appropriate to avoid the spread of a contagious disease. The statement shall also certify the employee's fitness for return to work. A medical doctor's statement is required only when specifically requested by the Department Head and may be requested prior to allowing the employee to return to work. The City may require a medical doctor's statement regarding the illness/injury of a family member being cared for by the employee**.**

D. On-the-Job Injury

(See section 6.6 Workers Compensation)

8.3. Family and Medical Leave Act

8.3.1. Policy

Public **employer**s are covered under the Family and Medical Leave Act (FMLA), and will comply with the requirements of the FMLA and advise the employees if they meet all the FMLA eligibility requirements. The City must provide employees Form WHD-1420 and are also required to post and keep posted this notice in a conspicuous place, even if no employees are eligible.

A. Eligibility

Employees who have been employed for at least one (1) year and worked at least 1,250 hours during the preceding twelve (12) month period are eligible for family and medical leave. The required one (1) year of employment does not have to be consecutive. There may be a break in service as long as it does not exceed seven (7) years. There is an exception to the 7-year condition for National Guard and Reservists and written agreements. All employees meeting the above qualifications qualify for FMLA, regardless of their seasonal, temporary, etc., status.

B. Compensation during Leave

Family or medical leave will be unpaid leave unless the employee has accrued paid leave and is otherwise eligible to use the leave for the purpose for which leave is being taken. If leave is requested for the employee's own serious health condition or for the serious health condition of the employee's parent, spouse, son, or daughter, the employee must use all of his/her accrued paid vacation leave or sick leave as part of the FMLA leave. If leave is requested for any of the other reasons listed below, an employee must use all of his/her accrued paid vacation as part of the FMLA leave. The remainder of the leave period will then consist of unpaid leave. Employees must be made aware that they are required to use sick, annual, compensatory time, and personal leave as appropriate, in the rights and responsibilities notice Form WH-1420.

C. Intermittent Leave

When medically necessary (as distinguished from voluntary treatments and procedures), leave may be taken on an intermittent or reduced schedule basis. Leave for bonding with a healthy newborn or placement of a healthy child for adoption or foster care is not considered medically necessary and, therefore, may not be taken on a reduced schedule or intermittent basis unless agreed to by the employer. Employees needing intermittent leave or reduced schedule leave must attempt to schedule their leave so as not to disrupt the City's operations. The City may require an employee on intermittent leave to temporarily transfer to an available alternative position for which the employee is qualified, if the position has equivalent pay and benefits, and better accommodates recurring periods of leave than the employee's regular position. With an agreement between the employee and the City, an employee may take family leave on a reduced leave schedule. This may involve reducing the employee's usual number of hours per work day or work week during the leave. Intermittent leave reduces the twelve (12) week entitlement only by the actual time used.

8.3.2. Duration of and Reasons for Leave

Any eligible employee, as defined above, may be granted a total of twelve (12) weeks of unpaid family and medical leave during a twelve (12) month period. This period is measured backward from the date an employee uses any FMLA leave). A "work week" is defined as a calendar week, regardless of the number of days the employee normally works. Twelve (12) calendar weeks does not entitle the employee working three (3) days a week to sixty (60) leave days, but rather twelve (12) weeks. FMLA may be granted for the following reasons:

A. the birth of the employee's child and in order to care for the child or the placement of a child with the employee for adoption or foster care;

B. to care for a spouse, child, or parent who has a serious health condition; or

C. a serious health condition that renders the employee incapable of performing the functions of his/her job.Serious health conditions may include conditions resulting from job-related injuries and/or illnesses; or

D. Due to a qualifying exigency arising when an employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call to federal active duty in support of a contingency operation, and the family member is a:

   a. Reserve component member (Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, or Coast Guard Reserve);

   b. Retired member of the regular armed forces;

   c. Retired reserve with 20 years of active service; or

   b. Unit or unassigned member of the ready reserve or the selected reserve and certain members of the individual ready reserve, National Guard and state military.

e. Exigency leave may be taken for:

- Short-term notice deployment
- Military events and activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities arising out of active duty that the **employer** and employee agree upon.

  Note: FMLA Exigency leave does not apply to an employee who is called to active duty.

- Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility.

- Continuing treatment by (or under the supervision of) a health care provider for a period of incapacity of more than three (3) consecutive full calendar days, combined with at least two (2) visits to a health care provider within thirty (30) days of the first day of incapacity or one (1) visit to a health care provider requiring a regimen of continuing treatment, i.e., prescription medication.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. If both an employee and his/her spouse are employed by the City, their combined time off may not exceed twelve (12) work weeks during any twelve (12) month period for birth, adoption, or foster care, or care of a parent with a serious health condition. Each spouse is, however, eligible for the full twelve (12) weeks within a twelve (12) month period to care for a son, daughter, or spouse with a serious health condition.

Unpaid FMLA leave will run concurrently with paid vacation, sick, and/or personal leave, unless otherwise prohibited by any relevant collective bargaining agreement. Unpaid FMLA leave may also run concurrently with workers' compensation leave or other benefits.

8.3.3. Application for Leave

In all cases, an employee requesting leave must complete the City approved "Application for Family or Medical Leave" and return it to the Personnel Office. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

The City may require the use of FMLA leave for any absence which would otherwise qualify as leave even if no formal application for such leave was made by the employee, provided notice is given to the employee.

8.3.4. Notice of Leave

An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his/her immediate supervisor *and* to the Personnel Office as soon as the necessity for the leave arises.

8.3.5. Medical Certification of Leave

An application for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must be supported by the City approved "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child, or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his/her job or any one of the essential functions of his/her job. (**Note: Attach the employee's current job description to the *Certification of Health Care Provider Form* when it is sent to the employee's health care provider**.)

If the City questions the validity of the certification, it may require, at the City's expense, that the employee obtain a second opinion. If the second opinion conflicts with the original opinion, the City may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the City and the employee. This third opinion will be considered final and binding on both parties.

In instances where diagnoses from medical providers appear to be indefinite or long-term, the City may require the employee to recertify that the original medical condition still exists. Such requests can be made no more frequently than once every thirty (30) days unless the circumstances reported in the original certification have changed significantly or the City receives information casting doubt upon the stated reason for the absence.

In situations in which the minimum duration of leave anticipated by the original certification is more than thirty (30) days, the City may request recertification if the employee requests an extension of leave, the circumstances described by the original certification have changed significantly, or the City receives information casting doubt upon the continuing validity of the certification.

The City may require the employee to provide new medical certification, not recertification, for his/her first FMLA-related absence in a new 12-month leave year.

Any employee on FMLA leave must notify the City periodically of his/her status and intention to return to work. The City has the authority to determine how often the employee must provide this notification.

8.3.6. Benefits Coverage during Leave

During a period of family or medical leave, an employee will be retained on the City's health plan under the same conditions that would apply if the employee were not on family or medical leave. To continue health coverage, the employee must continue to make any contributions that he/she would otherwise be required to make. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his/her job or to circumstances beyond the employee's control. The definition of "beyond the employee's control" includes a very large variety of situations such as: the employee being subject to layoff, continuation, recurrence, or the onset of an FMLA qualifying event; or the spouse's unexpected worksite relocation of more than seventy-five (75) miles from the current worksite.

An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

8.3.7. Restoration to Employment

An employee eligible for family or medical leave will be restored to his/her old position *or* to a position with equivalent pay, benefits, and other terms and conditions of employment. The City cannot guarantee that an employee will be returned to his/her original job. A determination as to whether a position is an "equivalent position" will be made by the City.

8.3.8. Return from Leave

An employee must complete the City approved "Notice of Intention to Return from Leave" before he/she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return. Employees may be required to provide a fitness-for-duty certification prior to returning to work if the family or medical leave of absence was due to the employee's own serious health condition.

8.3.9. Failure to Return from Leave

Failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to disciplinary action, up to and including termination, unless the City has granted an extension. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence, or onset of his/her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension, in writing, to the City Manager. This written request should be made as soon as the employee realizes that he/she will not be able to return at the expiration of the leave period and will be reviewed for eligibility and possible approval pursuant to the requirements of the FMLA.

8.4 Holidays

8.4.1 Holidays Designated

The following holidays are recognized by the City:

New Years Day - January 1st

Martin Luther King Day - Third Monday in January

President's Day - Third Monday in February

Memorial Day - Last Monday in May

Independence Day - July 4th

Labor Day - First Monday in September

Nevada Day – October 31st or when legally observed

Veteran's Day – November 11th or when legally observed

Thanksgiving Day - Fourth Thursday in November

Family Day - Friday following fourth Thursday in November

Christmas Eve (1/2 half day)

Christmas Day - December 25th

For the first occurrence only, any day declared a legal national holiday by the President of the United States or any day declared a legal holiday by the Governor of the State of Nevada.

Employee's Birthday: In addition to the holidays in the above section, each employee shall be entitled to one (1) personal day off for the employee's birthday. Said holiday must be scheduled off in advance by the employee with the employee's supervisor and must be taken within one week before or one week after the employee's actual birthday.

8.4.2. Holiday Pay

A. Recognized holidays are typically non-work days. Each full-time employee, officer or department head (other than the Mayor or a City Council member), who is employed on a paid status on his/her regularly scheduled work day before and his/her regularly scheduled work day after a holiday, and who are able to take the holiday off shall receive pay equal to their established workday at their regular hourly rate, including shift differential, as holiday pay. Each regular part-time employee who is employed and on paid status on his/her regularly scheduled work day before and his/her regularly scheduled work day after a holiday, will be paid for each recognized holiday

at his/her regular rate of pay on a pro-rated basis determined by the average number of hours worked each month.

B. If any of the above holidays falls on an employee's scheduled day off, the employee will receive 8 hours of holiday pay at their regular pay rate excluding any pay premiums. This pay will not be considered time worked and will not be used to compute overtime.

8.4.3. Weekend Holidays

For employees regularly assigned to work Mondays and/or Fridays, any holiday falling on a Saturday will be celebrated on the preceding Friday and any holiday falling on a Sunday will be celebrated on the following Monday.

8.4.4. Work on Holidays

A non-exempt employee, except a temporary worker, who is assigned to and actually works on a regular holiday shall receive, in addition to their holiday pay, pay at the applicable overtime rate, for all hours worked on that day.

8.5 Leave of Absence without Pay

8.5.1. Policy

The City Manager may grant leaves of absence without pay for up to six (6) months only for exceptional circumstances and conditions, such as education or prolonged illness, if he/she determines the granting of such leave is consistent with the good of the City service. Such leave may be extended for an additional period of up to six (6) months, with total leave not to exceed one year.

8.5.2. Procedure

A. Approval – No More Than 10 Days

Leaves of absence not exceeding *ten (10)* days without pay may be granted by the Department Head following the employee's use of all accrued paid leave credits.

B. Approval - More Than 10 Days

For leaves of absence in excess of ten (10) days, the Department Head forwards the request to the City Manager for consideration.

C. Purpose

Leaves of absence are not granted for the purpose of seeking or accepting other employment, except when such employment is with another government agency or an educational institution, and when the City Manager determines that granting of such leave is in the best interest of the City.

D. Termination

The City Manager may terminate any leave of absence, except those qualifying leaves as specified in the Family Medical Leave Act, FMLA. See 8.3.-by sending written notice to the employee concerned The employee is then required to return to work within fourteen (14) calendar days from the date the notice is received. In the event

the City terminates a leave of absence, the employee will be returned to the same or equivalent class or position he/she occupied when the leave of absence was granted.

E. Failure to Return

An employee who fails to return to duty upon expiration or termination of leave is considered to have abandoned his/her City employment. (See provision of City's discipline policy covering job abandonment.)

F. Insurance

Employees on approved leave of absence may continue their medical, dental, and life insurance coverage in accordance with COBRA health benefit continuation regulations.

G. Return from Leave

Granting of a leave of absence does not guarantee immediate reinstatement to paid status; provided, however, employees returning from leave taken pursuant to the Family and Medical Leave Act shall have the right to immediate reinstatement at the end of the approved leave provided they meet the conditions of the Family and Medical Leave Act policy. The following provisions apply to the return from all other leaves of absence.

(1) For the first 180 days following the end of the leave of absence, an employee returning from a non-medical/family leave of absence has the right to the first position vacancy within his/her department for which he/she is qualified and which is at or below the salary level of the position from which the leave of absence was granted.

(2) An employee who accepts a vacancy in a lower paid job class may be required to waive reinstatement rights to his/her former class.

(3) An employee who declines reinstatement to any position at the same salary as his/her former position waives any right to reinstatement.

(4) At the discretion of the City Manager, an employee may be reinstated to a position in his/her former class for up to two (2) years after the leave of absence has expired.

H. Medical Leave

The City may require a physician's records or other appropriate type of verification to substantiate a need for a leave of absence without pay.

I. Anniversary Date / Step Eligible Date

An employee's anniversary date will be changed by the number of days off work for all unpaid leaves of absence in excess of fifteen (15) days during any twelve (12) month period. (See special provisions for *Military Leave*.)

J. Benefit Accrual

When an employee is on unpaid leave for more than one-half (1/2) of his/her regularly scheduled work hours in any month, no leave benefits shall be accrued, nor shall the City contribute toward the cost of insurance benefits; provided however, when an employee is granted leave pursuant to the provisions of the Family and Medical Leave

Act (FMLA), the City will pay the cost of insurance benefits as required by the FMLA.

8.6 Court Leave

8.6.1. When Granted

Employees shall notify their supervisors of the need for court leave as soon as the need of the leave becomes known to the employee. Subject to the conditions noted below, regular full-time and part-time employees regularly scheduled to work at least twenty (20) hours per week called to serve on jury duty or subpoenaed to appear as a witness in a court proceeding shall receive their regular City pay for those hours spent in court or in travel to and from the court appearance. An employee shall not receive pay for that amount of work time missed if he/she is required to miss work because of court appearances in a matter to which the employee is a party or to serve as a witness for a party who has filed an action against the City. (Note: When an employee appears in court in his/her role as a City employee, the time may be considered work time.) Employees who are not regular full-time or part-time employees and who are called to serve as a juror or witness will be granted time off, without pay. This provision does not apply to temporary workers.

8.6.2. Compensation

A. Pay shall be limited to compensation for court and travel time which occurs during the employee's regularly scheduled hours of work. Court leave shall not result in payment of overtime, nor shall court leave time be considered as hours worked for purposes of determining eligibility for overtime.

B. Upon completion of jury/court witness service, employees will forward any compensation received from the court or other party served to the City Treasurer's Office immediately upon receipt. Reimbursements received for out-of-pocket expenses such as meals, mileage, and lodging may be kept by employees, unless the City has reimbursed the employee for such expenses or the expenses were paid for the employee by the City.

8.6.3. Late Start/Early Release

An employee who is not required to report to court until the middle of his/her work shift or is released from court/jury duty before the end of his/her work shift shall report to work for the hours which are not required for court duty or directly related to travel time.

8.7. Bereavement Leave

Full-time employees will be granted two (2) working days off with pay in the event of a death in an employee's immediate family. Immediate family shall mean the employee's spouse, children, or adopted children, father, step-father, father-in-law, mother, step-mother, mother-in-law, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, grandparents, grandchildren, or any natural or adopted child or grandchildren of the employee's spouse.

In compelling circumstances, such as distance between the City and site of the funeral, the employee may be granted up to five (5) days of paid bereavement leave.

Employees who are not regular full-time or part-time employees may take up to sixteen (16) working hours of bereavement absence without pay.

8.8. Military Leave

8.8.1 Policy

Employees who are members of the uniformed services are entitled to military leave. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or nations emergency. The Army National Guard and Air National Guard are also covered.

8.8.2 Notice and Notification

1. The City must provide employees with notice of their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This requirement may be met by posting the notice where the City customarily places notices for employees.
2. The City may require written (orders) or verbal notice of service obligation, but must waive the requirement if notice is impossible or unreasonable.

8.8.3 Salary and Benefits

1. Leave without Pay

b. The City will treat the employee the same as any other employee on leave without pay.

c. The employee is entitled to fifteen (15) working days of leave with pay in one calendar year (NRS 281.145).

d. The City is not required to pay the employee's salary after fifteen (15) working days.

e. The employee may choose to use annual leave and compensatory time, if any, before going on leave without pay.

2. Health Insurance

There is no impact to the employee's insurance coverage, including life insurance inclusive of the health insurance package. The City and employee premium payments or obligations, if any, remain unchanged for thirty (30) days. Employee may then continue coverage similar to that required by the Consolidated Omnibus Budget Reconciliation Act (COBRA) for either twenty-four (24) months or through the day after the date on which the employee fails to apply for reemployment in a timely manner; whichever is lesser (see *Reemployment, Section 8.8.4.* below). The City must reinstate coverage upon the employee's prompt reemployment without the imposition of exclusions or waiting periods. An employee who takes up to ninety (90) days after leaving the military before commencing his/her reemployment may stay on the military health insurance; however, it is the employee's responsibility to verify the continuation, scope, and duration of coverage.

3. *Seniority*

An employee is entitled to the seniority (and rights and benefits governed by seniority) s/he had accrued at the commencement of military leave, plus any additional seniority rights and benefits that s/he would have attained if s/he had remained continuously employed (the "escalator principle"). However, if a introductory period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of introduction upon reemployment. The City must count time served for the purpose of determining annual and sick leave accrual rates, if the accrual amount is based on seniority. Additionally, the City must count time in the military when determining the employee's rate of pay if the rate is based on seniority (e.g., a grade-and-step pay system). The City is not required to accumulate annual or sick leave for an employee during his/her absence. The "escalator principle" will be applied to a returning employee's opportunities to take promotional examinations or skills tests and to merit pay increases.

4. *Retirement*

Time served will be counted as work time for purposes of retirement. The City must make contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work. The City contribution will be based on the rate of pay the employee would have been paid had s/he not been called to military service (e.g., a grade-and-step pay system). An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience.

5. *Death or Disability*

If an employee does not return to work due to death or disability, the survivor or disability benefit is treated as if the employee had been working until the date of the death or disability. The City must make the retirement contribution up to the date of the death or disability.

6. *Other Leave*

The City must count time served in the military when calculating the employee's Family Medical Leave Act eligibility.

8.8.4 Reemployment

1. An employee has certain report-to-work obligations following military service. Eligible returning service members must be promptly reemployed, which in most cases means within two weeks of reporting. The employee's report-to-work obligations are:

   a. Service of one to thirty (30) days: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.

b. Service of thirty-one (31) to one hundred eighty (180) days: Application for reinstatement must be submitted not later than fourteen (14) days after completion of military duty.

c. Service of one hundred eighty-one (181) or more days: Application for reinstatement must be submitted not later than ninety (90) days after completion of military duty.

2. The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the City must make reasonable accommodations for the impairment.

3. Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the City. Time spent in National Guard and reservist training does not count towards the five-year period.

8.8.5 *Discharge*

If time served is greater than thirty (30) days, but less than one hundred eighty-one (181) days, an employee may not be discharged within one hundred eighty (180) days of reemployment, except for just cause. If time served is greater than one hundred eighty (180) days, an employee may not be discharged for one year, except for just cause.

8.9 Emergency Conditions/Disaster Leave

8.9.1 Emergency Volunteer Service

In the event that an employee is a participant in any volunteer emergency service (i.e. fire protection, ambulance service, or search and rescue) and is called out during normal working hours, he/she shall receive total compensation for his/her normally scheduled work hours spent in such service and shall remain in full employment status while performing this volunteer service for the period that he/she would have been working for the City. Employees shall not schedule themselves for on-call duty during regular work hours. In the event it is necessary for the employee to participate in volunteer emergency service during regular work hours, he/she will receive his/her normal pay for normal work hours involved in such service but no additional compensation from the City.

8.9.2 Emergency Road Conditions

A. Any non-exempt employee who is unable to report to work due to hazardous road conditions caused by ice, snow, flood waters, washouts, or slides shall not receive regular salary. Employees are advised to use their best judgment in making a decision whether or not to report to work under such conditions. Should an employee decide to remain at his/her residence, all reasonable attempts should be made to contact his/her immediate supervisor or Department Head in charge of the employee's Department. Any employee wishing to receive payment for time missed due to hazardous road conditions may do so by using either accrued annual leave or compensatory leave time.

B. Any non-exempt employee who reports to work late due to hazardous road conditions will be compensated for only the actual hours worked. In the event the employee wishes to receive a full day's pay, use of annual leave or compensatory leave time to complete the normal work period is appropriate.

C. Any employee who elects not to report to work due to hazardous road conditions or reports to work late under such conditions shall not be subject to discipline. In the event the supervisor is in doubt of the employee's reasoning, the final decision shall be made by the City Manager on the basis of documentation or confirmation of the hazardous conditions by either a police agency or the appropriate public works agency having jurisdiction over the roadway or roadways in question.