

305. Holiday Leave

- .1 The following holidays are observed by the City and will be granted to employees with pay and to temporary employees without pay unless such temporary employees are required to be on duty:

New Year's Day (January 1<sup>st</sup>)  
Martin Luther King Day (third Monday in January)  
Good Friday (Friday before Easter)  
Memorial Day (last Monday in May)  
Juneteenth (June 19<sup>th</sup>)  
Independence Day (July 4<sup>th</sup>)  
Labor Day (first Monday in September)  
Veteran's Day (November 11<sup>th</sup>)  
Thanksgiving Day (fourth Thursday in November)  
Friday after Thanksgiving  
Christmas Eve (December 24<sup>th</sup>)  
Christmas Day (December 25<sup>th</sup>)

- .11 Part-time employees will be granted Holiday Leave using the same guidelines established within Section 303.42 above. However, in no case will an employee be granted Holiday Leave that exceeds the number of hours they are normally scheduled to work on the holiday. The twelve (12) month average will be calculated from the date the holiday is officially observed by the City of Tulsa.

~~.2 Unless provided differently within a collective bargaining agreement, holidays are provided as an eight (8) hour benefit. Therefore, employees working an approved Alternate Work Schedule will have to supplement any Holiday Leave with additional leave taken from their vacation or compensatory time accruals. Holiday Example: An employee working the 410 schedule would be required to submit a leave slip for two (2) hours of vacation or comp time for each holiday that falls on a regularly scheduled workday.~~

~~.2 Holidays are provided as a shift-based benefit for full-time Employees determined by the length of the workday designated as a holiday.~~

- .3 Employees covered under the terms of a collective bargaining agreement should refer to the agreement for controlling language if the agreement is at variance with this section.

- .4 The granting of holidays observed by the City will be subject to the following provisions:

- .41 Employees who are regularly assigned to work Monday through Friday with Saturday and Sunday as normal days off will observe a holiday falling on Saturday on the preceding Friday and a holiday falling on Sunday on the following Monday. Employees whose regular shift is other than Monday through Friday will observe holidays on the actual day defined in .1 above except when a holiday occurs on the employee's normal day off, either the workday preceding the holiday or the employee's next scheduled workday shall be observed as the holiday as determined in advance by the employee's supervisor based on the operational needs of the department. Employees shall be given at least 30 days advance notice of their designated holiday.
- .42 Employees who are required to work on a holiday will be compensated in accordance with provisions of Section 220.
- .43 Holidays or other non-scheduled workdays will not be included in computing Vacation Leave. However, when an employee is absent on a holiday that is a regularly scheduled work day for the employee, the holiday is forfeited and time will be deducted from his or her Sick Leave or charged to Leave Without Pay whichever is applicable. Employees on Leave Without Pay before, after or during a holiday will not be paid for the holiday.
- .44 When a holiday falls within a period of Leave Without Pay or Sick Leave not verified by a Doctor's slip immediately preceding or immediately after Holiday Leave, the employee will receive no pay for the holiday.
- .45 The appointment of an employee will not be effective on a holiday.
- .46 The separation of an employee should not be effective on a holiday except when the employee works on the specified holiday.
- .47 Vacation Leave, Compensatory Leave, or Authorized Personal Leave may be granted to an employee for observance of religious holidays or holidays other than those listed. Employees desiring such leave should make a request to their supervisor and/or Human Resources.
- .48 Employees working an alternate work schedule must submit appropriate Holiday Leave requests in accordance with Section 221.5.

### 312. Funeral Leave

- .1 In the event of the death of a parent, spouse, child, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent of the employee or spouse, grandchild of the employee or "foster" or "step" situations within these relationships, the employee may be granted a

leave of absence of two (2) consecutive ~~(eight or ten hour)~~ workdays. In the event of the death of a member of a part-time employee's immediate family, the employee may be granted a

leave of absence with pay which will not exceed the number of hours the part-time employee normally works on one (1) regularly scheduled work day.

- .2 In the event of the death of a brother-in-law, or sister-in-law or the employee's aunt or uncle, the employee will be granted one (1) regular ~~eight (8) hour or ten (10) hour~~ workday. The department head may require verification of death and relationship to the employee.

.3 An employee may request to use other applicable leave for any additional time off needed beyond the time provided in .1 or .2 above.

.3.4 Funeral leave is provided as a shift-based benefit for full-time Employees determined by the length of the workday designated as a funeral leave.

#### 314. Family and Medical Leave

- .1 Family and Medical Leave and all other rights provided under the Family and Medical Leave Act of 1993 (FMLA or the Act), as amended, will be granted to regular and part-time employees in accordance with the provisions set forth in this policy. In the event this policy conflicts with any provision of the Act, the Act shall govern.

- .2 Employees must meet the following criteria to be eligible for FMLA:

.21 An employee must have worked for the City for at least twelve (12) months, and have provided at least 1250 hours of service during the previous twelve (12) months at the time the leave is requested.

- .3 Definitions: The following words and phrases, as used in the application and interpretation of the FMLA policy will have the meanings ascribed below:

.31 "*Child,*" "*Son,*" or "*Daughter*" means a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis (i.e. in the place of a parent) who is under eighteen (18) years of age, or eighteen (18) years or older if the child is incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

.32 "*Parent*" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include "in laws".

.33 "*Spouse*" means a husband or wife as defined or recognized by

state law for purposes of marriage, including common law marriage.

.34 “*Serious Health Condition*” means an illness, injury, impairment, or physical or mental condition involving either inpatient care at a hospital, hospice, or residential medical care facility, or continuing outpatient treatment by a health care provider (i.e. a doctor of medicine or osteopathy, or other person determined by the Secretary of Labor to be capable of providing health care services).

.4 FMLA for eligible employees may be used in the following situations:

.41 For the birth or adoption of a child, or the placement of a child for adoption or foster care.

.42 For the serious health condition of a spouse, child, or the employee’s parent.

.43 For the employee’s own serious health condition.

.44 For any qualifying exigency arising out of the fact that the employee’s spouse, son or daughter (of any age) or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation as defined in the Act.

.45 For military caregiver leave to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent or next of kin of the servicemember as defined in the Act.

.5 FMLA will be granted in accordance with the following provisions:

.51 Employees who are eligible for FMLA are entitled to up to twelve (12) weeks of leave during any twelve (12) month period. The rolling twelve (12) months is measured backward from the date any FMLA begins.

.52 An eligible employee may also take up to 26 work weeks of leave during a “single 12-month period” to care for a covered service member with a serious injury or illness as defined in the Act. The “single 12-month period” for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

~~.52~~.53 Employees must first take any applicable paid leave, (refer to leave policies and/or the applicable collective bargaining agreement) to which the employee may be entitled. Employees ~~are encouraged to~~should use any Compensatory Leave accumulated. If an employee’s absence is designated as FMLA and the

employee has elected disability insurance coverage offered as a City benefit, the employee may begin receiving those benefits upon exhaustion of all available Sick Leave. The expenditure of all other types of leave is not required only in this instance.

.531 An Employee recovering from the birth of a child or caring for a newborn or adopted child shall be provided paid parental leave for a period of six (6) weeks after the birth or adoption of the child in accordance with Section 319 below – Parental Leave.

~~.531-532~~ When FMLA is for the adoption of a child or children with the employee, the employee will be allowed up to three (3) consecutive weeks of Sick Leave after placement for bonding. After three (3) weeks, continued use of Sick Leave will require related medical certification of eligibility, if applicable.

~~.532-533~~ When FMLA is for a foster child placed with the employee, the employee must use Vacation Leave, Compensatory Leave, or Leave Without Pay, as applicable.

~~.53.54~~ Such paid leave as referenced in Section 314.53 above will apply towards the FMLA benefit. Any remaining FMLA beyond applicable Injury Leave, Paid Parental Leave, Sick Leave, Vacation Leave, Compensatory Leave, or annual leave accruals will be without pay.

~~.54.55~~ Employees are required to notify their immediate supervisor at least thirty (30) calendar days before the leave begins when the leave is foreseeable, such as in the case of the birth or adoption of a child, or when not foreseeable, as soon as it is apparent the employee needs leave that may qualify for FMLA regardless of whether the employee requests or wants the leave designated as FMLA. The supervisor will immediately notify Human Resources to determine FMLA eligibility. Human Resources will notify the employee whether the employee is eligible for FMLA within five (5) business days, absent extenuating circumstances.

~~.55.56~~ When FMLA is for a serious health condition, the employee must provide related medical certification of that serious health condition of the employee or that of a family member to Human Resources for approval. Unless otherwise advised by Human Resources, employees should provide the medical certification within 15 calendar days after requested. Employees who fail or refuse to timely provide the requested medical certification may be denied FMLA leave and/or subject to disciplinary action. When Human Resources has sufficient information to determine whether the leave qualifies for FMLA, it will notify the employee whether the leave will be designated as such and counted as FMLA leave within five (5) business days, absent extenuating circumstances. The City can designate qualifying leave as FMLA regardless of

whether the employee requests or wants FMLA.

~~.56.57~~ During FMLA, the employee must provide subsequent medical re-certification of a serious health condition of the employee or that of a family member upon (1) expiration of the initial certification period if additional time is needed or (2) as requested by the Human Resources Department.

~~.57.58~~ Employees are required to make a reasonable effort to schedule any planned medical treatment for the employee or that of a family member in order to not disrupt the operations of the City.

~~.58.59~~ FMLA may be taken on an intermittent or reduced schedule basis when medically necessary. Medical certification must be provided and must state the dates on which medical treatment is to be given and the duration of the treatment. Intermittent leave or a reduced schedule after the birth, adoption, or placement of a child for the purpose of bonding with the child may only be taken when approved by the department head and Personnel Director or designee.

.510 For FMLA taken for the employee's own serious health condition, a department head may request at any time a doctor's statement or medical opinion from the City Physician regarding the employee's physical ability to perform the duties of the job.

.511 Employees may be temporarily transferred to an assignment more suitable for recurring periods of absence or have duties slightly altered to better accommodate intermittent or reduced schedule FMLA.

.512 When FMLA extends beyond one hundred sixty consecutive work hours and all paid leave is exhausted, a Personnel Action form must be submitted to place the employee in the proper payroll status.

.513 The amount of FMLA taken should be tracked by the employee's department.

.6 If an employee and the employee's spouse are both employed by the City, the following provisions apply:

.61 If the leave is taken for birth, adoption, or placement into foster care of a child, the employee and spouse cannot take more than twelve (12) weeks combined FMLA during any given twelve (12) month period.

.62 If the leave is taken for adoption of a child, the employee and spouse can take a combined three (3) weeks of Sick Leave during the twelve (12) week benefit period. The remaining FMLA benefit must be taken using Vacation Leave, Compensatory Leave, or

Leave Without Pay. (See Section 314.531).

- .63 If the leave is taken for the care of a child or spouse with a serious health condition, each spouse is entitled to twelve (12) weeks of FMLA during a twelve (12) month period.
- .7 For an eligible employee who takes an approved leave as defined in this policy, the following provisions apply:
  - .71 The use of FMLA will not be considered negatively or held against the employee in reference to performance evaluations, promotional consideration, or any other employment factors. Supervisors will not interfere with, restrain, or deny employees their rights under this policy. Nor will a supervisor discharge or discriminate against an employee based on the employee's exercise of rights under this policy or the filing of a grievance or charge related to this policy and the Act.
  - .72 An employee returning from FMLA is entitled to reinstatement either to the same assignment or to an assignment equivalent in pay, benefits and other terms and conditions of employment.
  - .73 If an employee returning from FMLA for the employee's own serious health condition must first obtain the City Physician's approval of their ability to return to work.
  - .74 During FMLA, the employee is entitled to the continuation of health benefits. Any applicable premiums for coverage will be required from the employee for continuation. Nonpayment of premiums will result in cancellation of elected benefits.
  - .75 Refer to Personnel Policy Section 301.5 regarding the accrual of Vacation and Sick Leave during a period of extended leave.
- .8 If an employee takes FMLA for the employee's own serious health condition, the employee may be required, at the City's expense, to provide a second opinion obtained by a health care provider chosen by the City. If the two (2) health care providers disagree about any information in the certification, the parties may mutually select a third medical provider at the City's expense. The decision of the third provider will be final and binding.

### 315. Floating Holiday Leave

- .1 Non-probationary employees may take two (2) Floating Holidays during the calendar year.
- .2 Initial hire probationary employees will receive a prorated number of Floating Holidays during their first calendar year of employment as follows:

If hired January 1 through April 30 =

16 hrs. If hired May 1 through August

31 = 8 hrs.

If hired September 1 through December 31 = 0 hours

Additionally, initial hire probationary employees are not eligible to use a Floating Holiday until the first working day following sixty (60) calendar days of service.

- .3 Employees must schedule a Floating Holiday at least twenty-four (24) hours in advance. The department head or designee must approve the holiday.
- .4 An employee will not be compensated for any Floating Holiday if it is not used during the calendar year.
- .5 Employees who terminate from the City and have not used a Floating Holiday will not receive compensation for the holiday.
- .6 For purposes of Holiday pay, a Floating Holiday shall be treated like Vacation Leave.
- .7 Floating Holidays should be used only in full day increments and are provided as a shift-based benefit for full-time Employees determined by the length of the workday designated as a floating holiday.