

Operating Engineers, Local 3

Proposal # 16

ARTICLE 17 VACATIONS AND PERSONAL LEAVE

17.1 Each eligible full-time employee shall be granted vacation leave with pay in accordance with the following:

17.1.1 Vacation Accrual. Employees shall accrue a leave of absence with full pay for vacation purposes, in the amount specified below for each cycle of 26 full biweekly pay periods December 31st, or portion thereof, in each year of employment as specified.

Years of Service	Hours of Vacation per 26 Pay Period Cycles
First 5 years	80 hours
6th – 10th year	120 hours
11th – 12th year	136 hours
13th – 14th year	152 hours
15th – 24th year	168 hours
25th year or more	188 hours

Employees shall not be allowed to accrue vacation in excess of two times their annual vacation accrual rate. Once the maximum accumulation has occurred, vacation will cease to accrue until the employee's vacation balance has fallen under their maximum vacation accrual amount. It is the responsibility of the employee to track for compliance with this provision.

17.1.2 Payment for Unused Accrued Vacation Leave upon Termination of Employment. If the employment by the City of any full-time employee should cease, the employee shall be given, after such termination, full pay for any vacation leave which may then have accrued.

17.2 Vacation Leave. Any and all leaves granted pursuant to this Article shall be granted at such time or times as will not reduce the number of employees below that which is reasonably necessary for the efficient conduct of the public business of such department, except no employee who is authorized to take a leave for vacation purposes shall be required to commence such leave at a time other than the beginning of a workweek, unless the employee elects or consents to commence such leave at another and different time. Subject to the above provisions, preference of vacation leave timing in any calendar year shall be given in order of seniority. For purposes of this section "seniority" shall be determined by the length of time served by each employee within the relevant classification, and by the length of time during which such employee has worked on any shift, if more than one shift is worked by employees in such classification. Employees shall submit written requests for all vacation leave in advance and as early as practical. Written response to the leave request will be provided back to the employee within ten (10) working days of the receipt of the written request.

17.3 Computation of Vacation Leave.

17.3.1 For purposes of this Article, paid leave of absence from duty by reason of sick leave, holiday leave, vacation leave, compensatory time off, or any other paid leave, shall be deemed to be "time worked."

17.3.2 Prior periods of employment shall be credited to the employee for purposes of determining vacation eligibility provided that during each such prior employment period the employee achieved permanent status. An employee in an initial probationary status shall not be permitted to take a vacation during the first 13 pay periods of employment even though some employees may, upon satisfactory completion of the initial probationary period, be entitled to additional vacation pursuant to the above.

17.3.3 Subject to tax counsel approval, effective calendar year 2016, employees may sell back up to a maximum of forty (40) hours of accrued vacation after July 1, 2016.

17.3.4 Internal Revenue Service (IRS) regulations require the City to report and withhold taxes on the value of the vacation time an employee is eligible to sell back. In order to ensure compliance with the IRS requirements and to avoid unanticipated tax consequences.

17.3.5 Employees must elect the number of vacation hours they will sell back during a calendar year, up to the maximum of forty (40) hours, by the end of November of the prior year. If an employee does not submit an irrevocable election form to Payroll on or before the end of November, the employee will not be eligible to sell back any vacation hours during the next calendar year. The election made in 2015 cannot be sold back until after July 1, 2016.

17.3.6 The election to sell back vacation hours in any year is irrevocable. This means that employees must sell back the elected number of accrued vacation hours during that year. If the accrued vacation hours are not sold back within the designated calendar year the employee will be deemed to have received the value of the vacation hours elected in that calendar year and will be taxed by the IRS accordingly.

17.3.7 Employees can elect to sell back only vacation hours accrued during any given year, and any vacation hours accrued and carried over prior to that year are not eligible for sell back during that year.

17.3.8 Any vacation hours accrued during that year will not be available for use until the employee's accrued vacation hours in that year equal the number of hours the employee has elected to sell back. Those vacation hours accrued in the given year over the number of hours the employee elected to sell back in the given year will be available for use by the employee. This means that hours elected for sell back may only be used for sell back purposes and cannot be used for vacation time off purposes.

17.3.9 Employees may use any vacation hours accrued and carried over prior to the given year, subject to the normal rules of requesting use of vacation.

17.4 Personal Leave. Effective the first pay period of each payroll year, each full time employee shall be entitled to a maximum of twenty four (24) hours of personal leave per 26 pay period cycle. Such leave may be scheduled in fifteen (15) minute increments, at any time, subject to approval of the supervisor. Personal leave is not accrued. Any such leave not taken by the date of termination for employees terminating during the year, or by the end of the last pay period in the calendar year for other employees shall not be paid out nor carried over to subsequent years. Under no circumstances, such as promotion, transfer, and/or rehire, shall an employee receive more than twenty four (24) hours of Personal Leave in any given calendar year.

17.4.1 First Year of Employment. An employee hired after July 1 shall be provided a maximum of twelve (12) hours of personal leave in the first calendar year of employment.

