

Leaves and Absences

610.1 PURPOSE

This section outlines the usage of leave time by the employee, including vacation leave, sick leave, bereavement leave, industrial leave, holiday leave, personal leave, election days, jury duty, and modified duty.

610.2 GENERAL

It is the responsibility of the supervisor to exercise prudent judgment in scheduling time off, granting leave without pay, and scrutinizing the usage of leave. All requests for leave should be requested in writing.

The accumulation of vacation, ~~and sick~~ and personal leave is based on continuous employment. During an authorized, unpaid leave of absence, including but not limited to short-term disability (STD), long-term disability (LTD), industrial leave, or unpaid personal leave employees will not accrue vacation, sick, or personal leave during their leave period. However, employees on a paid leave status (i.e., using accrued leave) will continue to accrue benefits per standard accrual policies. ~~leave of absence or leave without pay, neither vacation nor sick leave will be accumulated.~~

610.3 VACATION

Employees are urged to plan ahead in scheduling their vacations. Planning better allows supervisors to schedule work. Department Directors may require employees in certain positions to take vacation as deemed necessary.

610.3.1 VACATION ACCRUAL

All full-time regularly employed classified and unclassified employees shall be awarded vacation leave with pay in accordance with the administrative policy. Employees who are working on a part-time or reserve status are not eligible for vacation leave with pay. All full-time employees other than sworn firefighters and department directors will accrue:

0-4 years	3.38 hours per pay period (11 days per year)
5-10 years	4.92 hours per pay period (16 days per year)
10+ years	6.48 hours per pay period (21 days per year)

Department Directors will accrue:

0-10 years	4.92 hours per pay period (16 days per year)
10+ years	6.48 hours per pay period (21 days per year)

All full-time sworn firefighter employees, defined as fifty-six (56) hour workweek employees who are normally scheduled to work rotating shifts of duty during a twenty-four(24) hour period but

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excluding the department director, supervisory personnel, and other fire department staff assigned a regular forty (40) hour workweek, will accrue:

0-4 years	4.73 hours per pay period (5.12 shifts per year)
5-10 years	6.89 hours per pay period (7.46 shifts per year)
10+ years	9.07 hours per pay period (9.82 shifts per year)

610.3.2 LIMITS TO VACATION ACCRUAL

No regularly employed classified or unclassified employee will be allowed to carry over vacation leave in excess of 320 hours and 448 hours for fifty-six (56) hour per week employees (i.e., firefighter, fire engineer, fire captain, battalion chief). On January 1st of the calendar year, any accrued vacation leave in excess shall be forfeited; unless the City Manager, within his or her sole discretion, authorizes an exception in extraordinary circumstances (i.e., individual case, state or national emergency, pandemic, etc.)

610.3.3 VACATION ACCRUAL FOR REINSTATEMENTS AND CREDITED YEARS OF SERVICE

If a former employee in good standing is reinstated within 30 calendar days from the separation date, that employee will return to the accrual schedule in place prior to separation and has the option to buyback vacation leave by returning the payment to Finance. The buyback may be partial or full.

Employees who are reinstated more than 30 calendar days from their separation date will accrue vacation as a new hire. No buyback option shall be allowed

610.3.4 VACATION LEAVE WHILE ON DISABILITY, INDUSTRIAL LEAVE OR UNPAID LEAVE

(a) Employees on a paid status (such as using accrued leave) will continue to accrue vacation leave in accordance with standard accrual policies. However, employees on short-term disability (STD), long-term disability (LTD), industrial leave, or on an unpaid status will not accrue vacation leave during their leave period. Additionally, employees receiving STD or LTD benefits may not use vacation leave while receiving these benefits.

(b) Employees on disability or industrial leave who are unable to use accrued vacation before the end of the applicable carryover period may request to carry over unused time, subject to City policy and approval by the City Manager or designee. ~~Refer to sick leave section 601.4~~

610.3.5 PAYMENT OF VACATION LEAVE UPON TERMINATION OF EMPLOYMENT

(a) An employee's accrued vacation leave will be paid upon the employee's termination, resignation or retirement with the City. (b) All of an employee's accrued vacation leave will be paid in the next regular pay period following the employee's termination, resignation or retirement with the City, unless the employee elects to defer the accrued vacation leave into a tax deferred account as per the subsection below or as otherwise required by law. (c) In the alternative to such payment,

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the employee may elect to defer the accrued vacation leave to an account for the employee in any eligible tax deferred compensation plan (such as a 457 plan) that is then maintained by the City and accepts such deferrals, only if a written deferral election is made before the beginning of the month in which the amount is made available or otherwise paid to the employee (or such earlier time as is prescribed in the applicable Treasury Regulations for such plan).

1. An employee may not use vacation leave to extend the date of a voluntary resignation, involuntary termination, layoff, or reduction-in-force.
2. In the event of death, the employee's estate shall be paid for accrued vacation leave at the rate of pay in effect at the time of the employee's death.

610.4 SICK LEAVE

Full-time employees shall accrue sick leave benefits on a bi-weekly (pay period) basis. Part-time, temporary, and seasonal employees shall accrue sick leave benefits based on the number of hours worked. Sick leave may first be used upon completion of 30 calendar days of employment. The City reserves the right to request that the employee provide documentation for absences of three (3) or more consecutive days.

All full-time employees other than sworn firefighters will accrue:

Full-Time	3.68 hours per pay period (12 days per year)
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All part-time, temporary, and seasonal employees will accrue:

Part-Time, Temporary, Seasonal	1 hour for every 30 hours worked, up to 40 hours per year
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Sworn firefighters will accrue:

Sworn Firefighters	5.15 hours per pay period (5.58 shifts per year)
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610.4.1 EARNED PAID SICK TIME

The first 40 hours of sick leave taken in a calendar year will be counted as earned paid sick time ("PST") under A.R.S. § 23-371 et seq. PST may be used for the purposes set forth in Arizona Revised Statutes § 23-373. These purposes include:

- (a) An employee's mental or physical illness, injury, health condition, or actual or potential exposure to a communicable disease;
- (b) To care for a family member's mental or physical illness, injury, health condition or actual or potential exposure to a communicable disease;
- (c) An employee's or a family member's need for medical diagnosis, treatment, or preventative care;
- (d) Certain public health emergencies; and

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Absence due to domestic violence, sexual violence, abuse, or stalking involving the employee or a family member.

For purposes of PST only, a "family member" is defined as:

- (a) Regardless of age, a biological, adopted or foster child, step child or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
- (b) A biological, foster, stepparent or adoptive parent or legal guardian or an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
- (c) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- (d) A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
- (e) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

PST (and all other paid sick leave) will run concurrently with Family and Medical Leave Act ("FMLA") if the leave qualifies as FMLA leave.

610.4.2 SICK LEAVE UPON EXHAUSTION OF PST FOR FULL-TIME EMPLOYEES

Usage of sick leave beyond 40 hours in a calendar year for full-time employees shall be allowed for personal illness or injury, travel time to and from a physician's office, to care for a family member as defined in the FMLA, FMLA leave, and Americans with Disabilities Act ("ADA") leave.

610.4.3 LIMITS TO SICK LEAVE

Full-time, regular employees' sick leave shall accrue continuously without any limit on the total amount that can accumulated.

Part-time, temporary, and seasonal employees: All sick time accrued by part-time, temporary, and seasonal employees will be considered PST. Part-time, temporary, and seasonal employees may not use more than 40 hours of PST during a calendar year. Any accrued, unused PST, up to 40 hours, at the end of a year shall be rolled over to the following year; however, part-time, temporary, and seasonal employees may only use 40 hours of PST per year. PST earned by a temporary or seasonal employee shall not be paid upon the employee's separation. If a temporary or seasonal employee is rehired within 9 months from the separation date, unused, accrued PST will be reinstated.

610.4.4 SICK LEAVE CASH OUT PROGRAM

Employees may participate in the sick leave cash-out program whereby full-time employees may sell back accrued sick hours. Employees will be provided the opportunity to cash out up to 80 hours of accrued sick leave (112 hours for sworn fire personnel working 56-hour schedule). Payment will

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be made at one half (1/2) the employee's base hourly rate at that time of cash out. To be eligible for the program, employees must have 240 hours (336 sworn fire) or higher of sick leave by the second pay cycle of November each fiscal year. Only accrued hours exceeding 240 hours (336 hours for sworn fire), at the maximum allowed, will be available for cash out.

The program will be evaluated annually based on the City's financial state determined by the City Council and City Manager. The City Manager will establish the guidelines for the administration of the program and shall have the sole discretion to terminate or pause the program at any time.

610.4.5 SICK LEAVE WHILE ON DISABILITY, INDUSTRIAL LEAVE OR UNPAID LEAVE

(a) Employees in a paid status (such as using accrued leave) will continue to accrue sick leave in accordance with standard accrual policies. However, employees on short-term disability (STD), long-term disability (LTD), industrial leave, or in an unpaid status will not accrue sick leave during their leave period. Additionally, employees receiving STD or LTD benefits may not use sick leave while receiving these benefits.

610.4.6 PAYMENT OF SICK LEAVE UPON TERMINATION

(a) No part of an employee's accrued and unused sick leave will be paid upon the employee's termination, resignation or retirement if the employee has less than ten years of consecutive employment with the City.

(b) All of a full-time employee's accrued and unused sick leave will be paid, up to a maximum of 560 hours of sick leave for full-time 40 hour workweek employees and up to 784 hours of sick leave for 56 hour workweek employees, after the beginning of the month following the date of the employee's termination, resignation or retirement, only if the employee has ten or more years of consecutive employment with the City.

(c) In the alternative to such payment, a full-time employee may elect to defer the accrued and unused sick leave to an account for the employee in any eligible tax deferred compensation plan (such as a 457 plan) that is then maintained by the City and accepts such deferrals, only if a written deferral election is made before the beginning of the month in which the amount is made available or otherwise paid to the employee (or such earlier time as is prescribed in the applicable Treasury Regulations for such plan).

(d) A part-time employee who has 10 or more years of consecutive service with the City will be paid any unused, accrued PST remaining in the year of separation, up to a maximum of 40 hours.

(e) An employee may not use sick leave to extend the date of a voluntary resignation, involuntary termination, layoff, or reduction-in-force.

(f) In the event of death, the employee's estate shall be paid for accrued sick leave at the rate of pay in effect at the time of the employee's death if the employee would have been otherwise entitled to payment of accrued sick leave.

(g) If a former full-time or part-time employee is reinstated within 9 months from the separation date, unused sick leave will be restored and made available. If the employee was paid out sick

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leave the employee has the option to buyback sick leave by returning the payment to Finance. The buyback may be partial or full.

(h) Unused paid parental leave is not payable upon separation of employment.

610.4.7 SICK DONATION PROGRAM

The City has established a Sick Donation Program which shall be governed by the following procedures:

(a) Any Employee who has depleted his/her accrued sick, vacation, and personal leave as a result of his/her serious illness or injury (hereafter "Requesting Employee") or is caring for a family member with a serious health condition may request access to the City's Donation Program (the "Program") by submitting a letter or request form to the Employee Resources Department.

(b) To be eligible, an employee;

1. Must be a full-time employee;
2. Must have a Family and Medical Leave Act (FMLA) qualifying event (although it is not necessary for an employee to meet FMLA tenure requirements)
3. Must have exhausted all forms of paid leave (i.e. vacation, sick, personal, compensatory time);
4. Must not be receiving funds from Workers' Compensation, Short Term Disability or Long Term Disability;
5. Must be suffering from his or her own serious medical hardship or catastrophic illness or injury or need to care for a family member (as defined by FMLA) including a spouse, child or parent suffering a serious medical hardship or catastrophic illness;
6. Must not have been counseled for abuse of leave during the last three years of their employment;

(c) A Requesting Employee may request to receive from other City employees donations of such other employee's sick leave (hereafter "Donating Employees") in order to receive income (at the Requesting Employee's rate of compensation) during the Requesting Employee's period of serious illness or injury or eligible family member's illness or injury. Eligible family member is defined by the Family Medical Leave Act (FMLA).

(d) Donating Employee may donate their sick leave to the Program only if a Donating Employee has thirty or more days of accumulated sick leave (240 for non sworn fire and 336 sworn fire) The donation will not be permitted if it will reduce the donating employee's sick leave accrual balance to less than 240 for non sworn fire and 336 for sworn fire. All donations of sick leave to the Program must be submitted pursuant to the Medical Leave Assistance Form which can be obtained from the Employee Resources Department.

(e) The Employee Resources Department is responsible for coordinating donations, reviewing requests and making a recommendation to the City Manager for his/her final approval. Employees may only request and accept donations to cover absences through the last day of the requested

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time off. Donations of sick leave may not be made to any Donating Employee's immediate supervisor.

(f) No Requesting Employee shall be eligible for the Program after he/she qualifies for short-term disability coverage.

(g) Sick leave donations are voluntary. Employees are prohibited from soliciting, offering, or receiving monetary or any other compensation or benefits in exchange for donating sick leave hours.

(h) Donated sick leave hours will be converted to a dollar value based on the donating employee's regular hourly rate at the time of donation. This amount will then be divided by the receiving employee's hourly rate to determine the actual number of hours received.

610.5 NOTICE OF LEAVES

In any instance in which an employee anticipates taking a leave of absence for any reason, including but not limited to ~~due to a~~ disability, ~~including~~ pregnancy, medical, family or personal reasons, the employee shall notify his or her supervisor or department director as soon as practicable. The notification should include the approximate date the leave will commence and the anticipated date of return. ~~of the approximate date that the leave will commence and, in addition, the anticipated date of return.~~

610.6 REASSIGNMENT FOR HEALTH REASONS

610.6.1 GENERAL REASSIGNMENT

When it is found that the duties of the employee require activity or exposure which may be injurious to his or her health, reasonable effort will be made to reassign temporarily the employee to other work to which he or she is qualified.

610.6.2 PREGNANCY REASSIGNMENT

At all times, the City will comply with the requirements of the Pregnancy Discrimination Act of 1978, including temporary reassignment of a pregnant employee to other work for which she is qualified, to the extent required by the law.

610.7 FAMILY LEAVE

Family leave is granted in accordance with the Family and Medical Leave Act (FMLA) of 1993 and amendments thereto. For additional information, including the FMLA Policy, please contact the Employee Resources Department. Refer to section 614 for more information.

610.8 PARENTAL LEAVE

The City will provide up to four consecutive weeks of paid parental leave to eligible employees during the first 30 days following the birth of a child or the placement of a child with an employee through adoption or legal parentage in the case of surrogacy. This leave is intended to enable employees to care for and bond with a newborn, a newly adopted child, or a newly placed child.

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This policy runs concurrently with Family and Medical Leave Act (FMLA) leave, as applicable, for events occurring on or after October 8, 2024. Employees working a 40-hour work week will be eligible for 160 hours, and 56-hour employees will be eligible for 240 hours. In the event both parents are employed by the city, they are each permitted parental leave. Paid parental leave is not payable upon separation from employment.

610.9 BEREAVEMENT LEAVE

Upon the death of an immediate family member, a full-time employee may be granted bereavement leave, usually a maximum of one (1) day. This day shall not be chargeable to sick or vacation leave. A Department Director may extend the bereavement leave for an individual, up to a maximum of four (4) days. Any additional hours beyond the limit may be charged to employee sick or vacation leave with Department Director approval. For the death of anyone other than an immediate family member, a Department Director with City Manager approval may grant bereavement leave in accordance with this policy.

Immediate family shall mean: mother, father, brother, sister, daughter, son, grandmother, grandfather, uncle, aunt, mother-in-law, father-in-law, brother-in-law, sister-in-law, wife, and husband.

610.10 INDUSTRIAL LEAVE

Industrial leave is defined as leave necessitated by an injury or condition sustained in the course and scope of employment with the City, to obtain treatment and/or recuperation as determined by a licensed physician.

Industrial leave is not accrued, but is available through the State Industrial Commission in conjunction with State Law and City Policy.

When an employee sustains an injury or illness arising out of and in the course of employment, the employee must report the incident immediately to his or her supervisor. Failure to report an industrial incident in a timely manner could result in denial of the workers compensation claim.

610.11 MILITARY LEAVE

Employees who are ordered to active duty, training, or other military obligations shall be granted a leave of absence from employment without loss of seniority, pay, or employment status or rating.

(a) Military leave will not be deducted from any accrued vacation or other paid leave balances unless requested by the employee.

(b) Employees are entitled to 15 days of paid military leave each year or 30 days of paid military leave within a two-year period. For sworn fire personnel working a 24-hour shift schedule, military leave will be converted to reflect their standard shift hours to ensure equitable application of the benefit.

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(c) Upon completion of military duty, employees are entitled to reinstatement to their previous position or an equivalent role, consistent with state and federal protections. ~~Military leave is granted in accordance with Federal and State law.~~

610.12 LEAVE WITHOUT PAY

Leave Without Pay may be authorized when all accrued leave benefits have been used or in unique situations.

To apply for such a leave, an employee shall submit a written request to their Department Director and City Manager; the request is subject to their approval. Vacation and Sick leave accruals will discontinue when Leave Without Pay is taken.

610.13 HOLIDAY LEAVE

The City shall maintain official holidays and policies governing employees and time off and compensation. For additional information contact the Employee Resources Department

(a) City holidays are as follows:

January 1st	New Year's Day
3rd Monday in January	Martin Luther King Jr. Day
3rd Monday in February	President's Day
March 31st	Cesar Chavez Recognition
Last Monday in May	Memorial Day
June 19th	Juneteenth
July 4th	Independence Day
1st Monday in September	Labor Day
November 11th	Veteran's Day
4th Thursday in November	Thanksgiving
4th Friday in November	Day after Thanksgiving
December 25th	Christmas

All full-time employees will receive holiday pay for city recognized holidays. Non-exempt employees (including non-exempt police and fire personnel) who are required to work on a city recognized holiday will receive, in addition to their regular pay, one and one-half (1.5) times their regular rate of pay for the first eight (8) hours worked on the holiday. Working hours must occur on the holiday between 12:00 a.m. to 11:59 p.m. Any time worked by non-exempt employees on a city recognized holiday in excess of eight (8) hours will be paid at the employee's regular rate unless the hours constitute overtime in accordance with the Fair Labor Standards Act (FLSA). Exempt battalion chief employees who work eleven (11) hours or more on a scheduled shift on a city recognized holiday will receive, in addition to their base pay, an amount equivalent to eleven (11) hours calculated at the hourly base rate.

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Non-exempt and exempt employees who work on a city recognized holiday may be given, with supervisor approval, a substitute day off during the same pay-period as the holiday in lieu of any additional compensation.

When a holiday falls on a day an employee is not scheduled to work, non-exempt and exempt employees will be given a substitute day off with pay, if operationally possible. The substitute day must be taken during the same pay period as the holiday. If a non-exempt employee does not take a substitute holiday day off, because it was not operationally possible to do so, he or she will receive one (1) day's pay at his or her regular rate (not overtime rate) as compensation in lieu of a substitute holiday day off. In some cases, the City may choose to observe an alternate day for a holiday due to the holiday occurring on a day of general office closure (i.e. Saturday or Sunday). Employees who work on an observed holiday (as opposed to the actual holiday) will receive, in addition to their regular pay, straight time pay at their regular rate (not overtime rate) for hours worked that day. At no point will an employee be compensated two times for a holiday.

610.14 PERSONAL LEAVE

In addition to the listed holidays, each employee shall be granted one (1) personal day off per calendar year.

610.14.1 PAYMENT OF PERSONAL LEAVE UPON TERMINATION OF EMPLOYMENT

An employee's accrued personal leave will be paid upon the employee's termination, resignation or retirement with the City. The accrued personal leave will be paid in the next regular pay period following the employee's termination, resignation or retirement with the City.

(a) An employee may not use accrued personal leave to extend the date of a voluntary resignation, involuntary termination, layoff, or reduction-in-force.

(b) In the event of death, the employee's estate shall be paid for accrued personal leave at the rate of pay in effect at the time of the employee's death.

610.14.2 PERSONAL LEAVE ACCRUALS FOR REINSTATEMENTS

If a former employee in good standing is reinstated within the same calendar year in which he/she used or was paid out personal leave, he/she will not accrue personal leave until the forthcoming calendar year.

610.14.3 PERSONAL LEAVE WHILE ON DISABILITY, INDUSTRIAL OR UNPAID LEAVE

(a) Employees in a paid status (such as using accrued leave) will continue to accrue personal leave in accordance with standard accrual policies. However, the employee on short-term disability (STD), long-term disability (LTD), industrial leave, or in an unpaid status will not accrue personal leave during their leave period. Additionally, employees receiving STD or LTD benefits may not use personal leave while receiving these benefits.

(b) Employees on disability or industrial leave who are unable to use accrued personal leave before the end of the applicable carryover period may request an extension, subject to City policy and approval by the City Manager or designee.

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610.15 ELECTION DAYS

The biannual general election day, the first Tuesday after the first Monday in November of every even-numbered year, is not a legal holiday. However, every public officer or employee is entitled to three (3) consecutive hours of time to vote in any election from the opening of the polls or prior to closing of the polls. Requests shall be made for such an absence prior to the day of the election and the supervisor may specify the hours during which the employee may be absent.

610.16 JURY DUTY

610.16.1 GUIDELINES

All employees should consider jury duty as a necessity required in our democratic society. When serving, the employee shall receive their regular pay during the time of actual duty, subject to the following:

- (a) Upon notification from the Clerk of Court, the employee shall notify the immediate supervisor or Department Head.
- (b) The employee shall be allowed sufficient time to change his/her attire and to reach the place of jury duty.
- (c) If dismissed from jury duty during normal working hours, the employee shall promptly return to work.

610.16.2 SUBMISSION OF JURY DUTY FEE PAYMENT TO THE CITY

The employee shall submit the compensation received for jury duty to finance, except any amount received for travel expense.

610.17 WITNESS

When a person is called as a witness by the Federal government or the State of Arizona, or any political subdivision thereof, relative to matters pertaining to the performance of the employee's job duties, leave with pay will be given for the time required from the actual time of call until being dismissed, subject to the following:

- (a) The employee shall be allowed sufficient time to change his/her attire and to reach the required destination.
- (b) If dismissed from the case during normal working hours, the employee shall promptly return to work.
- (c) This Section shall not apply in any case in which the employee is a party to the proceedings, unless the employee is a defendant alleged to have engaged in conduct associated with his or her duties as a City employee.

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610.18 MODIFIED DUTY

The City of Tolleson Modified Duty Program is designed to place, on a temporary basis, regular full- or part-time employees who are recovering from work-related injuries in assignments they are medically capable of performing.

610.18.1 POLICY

(a) Modified duty is a temporary work assignment, conforming to the treating physician's limitations, given to an employee who, in whole or in part, is unable to perform his or her regular job due to a disability resulting from a work-related injury. A modified duty assignment could include creating a new position on a temporary basis, excusing an employee from performing the essential functions of his or her regular job, or transfer to a vacant position.

(b) Participation in the City's Modified Duty Program is not a right of employment. The Modified Duty Program is instituted for the benefit of the City. The approval, disapproval, or continuance of a modified duty assignment is a right of management and is not grievable under section [60714](#) of this Employee Handbook.

610.18.2 ELIGIBILITY

(a) Employees must be full- or part-time regular employees for the City of Tolleson on the date of injury and at the time of the modified duty assignment.

(b) The injury sustained by the employee must be determined to be work- related and compensable under current workers' compensation legislation.

(c) The injury must be documented by the employee's authorized physician as temporary with recovery expected no later than one year from the date of initial work restrictions.

(d) At each doctor's visit, the employee must request a work status report, which states specific work restrictions, if any, and the date/time of the next appointment.

(e) The assignment of modified duty will be based solely on the City's need and work availability. No workers' compensation benefits will be paid if the employee declines modified duty as offered by the City, but the employee may use sick leave, vacation leave, or comp time accruals, if available. No donated vacation or exceptional disability will be available. If an employee has exhausted all available paid leave and any unpaid leave for which he or she is eligible under the Family and Medical Leave Act, the employee may be disciplined, up to and including termination, for refusing a modified duty assignment for which the employee is qualified and which complies with the authorized treating physician's restrictions.

610.18.3 REQUIREMENTS

- (a) The employee shall schedule medical appointments as best fits medical necessity and least disrupts City operations. Any medical visits during work hours will be charged to the employee's sick leave. Should an employee use all accrued sick leave, accumulated vacation leave and compensatory time shall be automatically used. Intermittent FML may run concurrent for doctor visits.

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- (b) The employee shall provide to the Department Director of the modified duty assignment and the Employee Resources Department a work status report after each doctor's visit, which states specific work restrictions, if any, and the date/time of the next appointment.
- (c) Complete recovery within twelve months from the initial date of work restrictions must be medically anticipated for an employee to be placed on modified duty status.
- (d) Based on the employee's meeting eligibility requirements and the availability of modified duty work within the City, the employee's Department Head, after consultation with the Employee Resources Department, may approve a modified duty assignment for an employee for a maximum of three months. Up to three additional months of modified duty may be granted with approval from the employee's regular Department Director and the Employee Resources Department. An extension beyond six months of modified duty must be approved by the Employee Resources Department. Under no circumstances will modified duty be approved beyond 12 months from the initial date of work restrictions.
- (e) [Modified duty assignments will be reviewed every \[30/60\] days to assess medical progress and ongoing need. Employees may be required to provide updated medical documentation at each reassessment. Modified duty is not a permanent job placement and will not extend beyond 12 months unless otherwise required under applicable disability laws.](#)
- (f) If the employee's Department Director disapproves an initial three month modified duty assignment or additional time after three months, or the Employee Resources Department disapproves an extension of a modified duty assignment for any reason, the employee will be placed on appropriate leave status.
- (g) The employee is responsible for working within the work restrictions as determined by the authorized treating physician.
- (h) The employee must perform at a satisfactory level, as determined by the modified duty Department Director, in the temporary modified duty assignment.
- (i) No worker's compensation benefits will be paid if the employee declines a modified duty assignment as offered by the City, but the employee may use sick leave, vacation leave, or comp time accruals, if available, or unpaid leave under the Family and Medical Leave Act, if the employee is eligible and has not exhausted such leave. No donated vacation or exceptional disability will be available.
- (j) In cases of medical conflict or dispute as to work status of the employee, the City will make the determination based on medical information received by the City.
- (k) Modified duty terminates at the earliest of:
 - 1. Return to regular duty as determined by the authorized treating physician;
 - 2. The employee's inability to perform the essential functions of the job held at the time of injury for 12 consecutive months from the initial date of work restrictions;
 - 3. The employee's inability to perform the essential functions of the job held at the date of injury for 12 accumulated months if work restrictions are intermittently assigned; or

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4. The authorized treating physician's determination that the employee is permanently and totally disabled.

610.18.4 COMPENSATION

- (a) While temporarily assigned to modified duty, the employee will be paid at the employee's regular base pay. Overtime is not available while on modified duty status.
- (b) All time worked, whether assigned to the employee's own department or another department within the City, will be charged to the home department.
- (c) Any changes in salary shall be in accordance with the Employee Handbook.
- (d) Leave accruals will continue as if the employee were working at his or her regular duty assignment. Adjustments may be made if an employee is released to modified duty on a part-time basis in accordance with the Employee Handbook.

610.18.5 ADMINISTRATION

The Employee Resources Department will be responsible for administering the City of Tolleson's Modified Duty Program.

610.18.6 MONITORING

The City reserves the exclusive right to evaluate the necessity, the duties, and the performance of any employee in a modified duty assignment. If the City determines the modified duty assignment is no longer in the best interest of the City, the City may withdraw the assignment. If alternative modified duty work is available, the employee, at the City's discretion, may be placed in the alternative modified duty position. If no alternative modified duty assignment is available, the employee, at the City's discretion, may be placed in the alternative modified duty position. If no alternative modified duty assignment is available, the employee will be placed on appropriate leave status.