

**RESOLUTION NO. 2022R-07**

**A RESOLUTION AMENDING NORTH DAVIS FIRE DISTRICT PERSONNEL POLICY AND PROCEDURE MANUAL CONCERNING LEAVE POLICIES, AND ADOPTING JUNETEENTH AS A HOLIDAY AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the State of Utah recently enacted legislation concerning recognition of Juneteenth as a holiday and requiring bereavement leave; and

**WHEREAS**, the Board of Trustees of the North Davis Fire District, County of Davis, State of Utah, hereinafter referred to as the "Board", desires to make certain amendments to the District's Policy and Procedure Manual to bring it in compliance with the new enactments; and

**WHEREAS**, the Board desires to amend policy Section 502 concerning Vacation Leave, Section 505 concerning Miscellaneous Leave, Section 506 concerning Holidays and Section 707 concerning Absences From Work.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTH DAVIS FIRE DISTRICT, that the Policy and Procedure Manual be amended as follows:

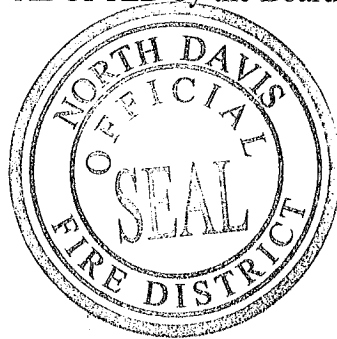
**SECTION ONE:**

That Sections 502, 505, 506 and 707 of the policy manual are amended with the additions, deletions and amendments as provided in Exhibit "A" which is attached hereto.

**SECTION TWO: EFFECTIVE DATE**

This Resolution shall become effective immediately upon passage and adoption.

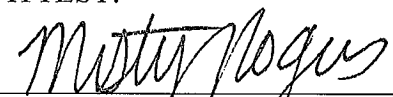
PASSED AND ADOPTED by the Board of Trustees of the North Davis Fire District this 16<sup>th</sup> day of June 2022.



NORTH DAVIS FIRE DISTRICT  
Board of Trustees

By:   
NIKE PETERSON, Chair

ATTEST:

  
MISTY ROGERS, Clerk of the Board

**VACATION LEAVE**

**Policy:**

It is the policy of The North Davis Fire District to grant vacation leave that represents earned time off the job and accrues during the working year. Only Full-Time Regular Employees, Exempt Employees, and Full-Time Firefighters are eligible for vacation leave.

**Procedure:**

(1) The established vacation year is the calendar year, January 1 through December 31 each year. Vacations are accrued or earned based on the employee’s length of service and on the time actually worked.

(2) Regular Full-time and Exempt Employees will accrue paid vacation leave according to the following schedule:

<u>Service Period</u>	<u>Hours Accrued</u>
Category 1 – 1 through 4 years employment	96 hours per year
Category 2 – 5+ years employment	120 hours per year

Hours accrue at 3.692 hours per biweekly pay period (26 pay periods per year) for Category 1; and 4.615 hours per biweekly pay period for Category 2;

Annual Leave Accrual for Firefighters (24-hour shifts)

The basis for annual leave accrual for firefighters working 24-hour shifts shall be consistent with how accrual occurs in the rest of the District, and is determined by comparing the total number of hours scheduled in a year for a firefighter to that of a regular 40 hour per week employee. Firefighters are scheduled to work 2880 hours, while regular employees are scheduled for 2080 hours.

Each regular full-time firefighter working 24-hour shifts, who has been in the Fire District service for a continuous period of one month, accrues annual leave, on 26 pay periods according to the schedule below:

**ANNUAL LEAVE ACCRUAL SCHEDULE FOR FIREFIGHTERS (24 HR SHIFT)**

Years in Service	Accrual Rate of Annual Leave Per Pay Period	24-Hour Days of Annual Leave Earned Per Year	Accrual Rate of Annual and Holiday (4) Hours per Pay Period	24-Hour Days of Annual and Holiday Earned Per Year
0-4	5.25 hours	5.68 days	9.25 hours	10.02 days
5-over	8.95hours	9.69 days	12.95hours	14.02 days

(3) Employees may not take paid vacation until they have actually earned the vacation hours.

(4) Regular Full-time Employees (except 24-hour Shift Firefighters) are expected to take an annual vacation. Employees may accumulate a maximum of 240 vacation hours, which may be carried forward to a new calendar year. Unused vacation hours in excess of 240 hours will be forfeited at the end of each calendar year.

(5) In the event that a 24-hour Shift Firefighter changes employment status to a Regular Full-time or Exempt Employee, any vacation hours in excess of 240 will be paid out to the employee. Vacation accrual rates will coincide with that Regular Full-Time or Exempt Employee.

(6) Regular Full-time Employees who are 24-hour Shift Firefighters are expected to take an annual vacation. Employees may accumulate a maximum of 318 vacation hours, which may be carried forward to a new calendar year. Unused vacation hours in excess of 318 hours will be forfeited at the end of each calendar year.

(7) Employees should plan their vacation time throughout the year in order to not exceed the maximum carryover at the end of the year. In an unforeseeable emergency, hours in excess of those described in paragraph (5) and (6) above may be approved for carry over or donated to the Sick Leave Bank. Upon the request of the employee and with the approval of the human resources and the District Fire Chief may grant up to a 60-day extension to the December 31 deadline in order to allow an employee to use vacation hours in excess of the maximum. A leave extension will not be granted to an employee for failure to plan to use his vacation.

(8) Vacation Buy Back: An employee may request to have the District buy back unused vacation time once per year, between the dates of July 1 and May 1. To participate, full-time regular employees must have a minimum of 120 hours of accrued vacation time remaining after any buy back. Firefighters must have a minimum of 159 hours of accrued vacation time remaining after any buy back. The vacation time will be paid out at straight time based on the employee's rate of pay at the time of the buy back. The employee shall submit a written request for vacation buy back to the employee's department director for approval and then to the Human Resources Director for processing. The maximum vacation that any full-time firefighter can sell back within one fiscal year is 106 hours. The maximum a regular full-time employee can sell back within one fiscal year is 80 hours.

(9) At discretion of the Fire Chief, employees of the District who have exhausted all sick leave can utilize accrued vacation hours in lieu of sick leave.

(10) Employees have the ability to convert unused vacation leave to the districts Sick Leave Bank: The North Davis Fire District recognizes that employees may have a personal or immediate family medical emergency, resulting in a need for additional time off in excess of their available leave. To address this need, all eligible employees will be permitted to donate accrued

vacation or annual leave from their unused balance to a Sick Leave Bank where eligible employees can apply for consideration of assistance from the Sick Leave Bank. (*see Sick Leave Policy 503*)

- (1) The donation of unused vacation or annual leave is strictly voluntary.
- (2) Once a donor has converted unused vacation or annual leave to the Sick Leave Bank, the donated leave becomes the property of the North Davis Fire District and then donor has no legal right to the leave for any reason.
- (3) Donated unused vacation or annual leave will be converted to sick leave and deposited into a Sick Leave Bank for use by eligible recipients.
- (4) The minimum number of unused vacation or annual leave hours that an eligible employee may donate is 1 hour and the maximum is 50-percent of the donor employee's current balance.
- (5) Employees will be given the opportunity to donate unused vacation or annual leave anytime during the calendar year.
- (6) The donated unused vacation or annual leave will be transferred from the donor to the Sick Leave Bank upon the request of the donor.
- (7) The donation of unused vacation or annual leave will be calculated on a dollar basis. The dollar amount of the donation is determined by the donor's current hourly wage.
- (8) Employee's wishing to donate unused vacation or annual leave are required to complete a Donation of Unused Vacation or Annual Leave Request Form and submit it to human resources.
- (9) Employees should submit vacation requests for consideration pursuant to North Davis Fire District Standard Operating Procedures 000-001. Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service.
- (10) A paid holiday that occurs during a regular employee's vacation period will not be charged as vacation leave, for regular full-time employees. (See policy on Full-time Firefighters)
- (11) In the event of a declared emergency, the District retains the option of ordering employees back to work during their scheduled vacations and pay them for the hours worked rather

than granting them vacation leave. Employees on leave at the time an emergency is declared are subject to being called back to work.

(12) Employees on a leave of absence, other than a military leave of absence, are required to use all accrued paid vacation time as part of the leave, as specified in Leaves of Absence, Chapter 702. In addition, employees on a leave of absence will not accrue any new vacation time during the leave. Vacation pay will consist of the employee's regular rate of pay for the vacation period and generally will be paid on the regularly scheduled payday.

(13) Employees may not receive pay for their vacation hours in lieu of time off. Except in the event that a 24-hour Shift Firefighter changes employment status to a separate's employment.

(14) Regular Full-time or Exempt Employee, any vacation hours in excess of 240 at the end of the calendar year will not be paid out to the employee. Excess hours will be considered use or lose. Vacation hours used are not considered as time worked for purposes of calculating overtime.

(15) When employment is terminated, employees will receive a lump-sum payment for any unused vacation hours at the time of termination.

(16) Employees who feel that there is a discrepancy in the calculation of their vacation hours, vacation pay, or eligibility may request a review of that calculation by the Human Resource Coordinator.

## MISCELLANEOUS LEAVES

### Policy:

It is the policy of The North Davis Fire District to permit employees to be absent from work on an authorized short-term basis for circumstances that arise that are not covered by vacation and sick leave hours. To help employees maintain their income during certain authorized absences, the district will provide compensation according to the guidelines below.

### Procedure:

(1) Bereavement Leave: The District Fire Chief may grant Bereavement leave for full-time employees as follows:

- (1) **Death in the Immediate Family**: Three days (24-hours) will be allowed without deduction from sick leave or vacation leave for Regular Full-time Employees. Regular Full-time Employees who are 24-hour Shift Firefighters will be allowed 48 hours of bereavement leave without deduction from sick leave or vacation leave. Immediate family is defined as the employees' spouse or partner, child, stepchild, brother, sister, parent, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and grandchild.

**Miscarriage or Stillbirth**: The District will provide 24-hours (3 workdays) of bereavement for regular full-time employees; and 72-hours; (3 work days) of bereavement for full-time employees who are 24-shift firefighters:

- (a) Following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
- (b) following the end of another individual's pregnancy by way of miscarriage or stillbirth the: if
- i. the employee is the individual's spouse or partner; or
  - ii. the employee is the individual's former spouse or partner; and
  - iii. the employee would have been the biological parent of a child born as a result of pregnancy.
- (2) **Death in the Extended Family**: One day (8-hours) will be allowed without deduction from sick leave or vacation leave for Regular Full-time Employees. Regular Full-time Employees who are 24-hour Shift Firefighters will be allowed 24 of bereavement leave without deduction from sick leave or vacation leave. Extended family is defined as: uncle, aunt, nephew, niece, grandfather, and grandmother.

(3) Bereavement leave is not counted as time worked for overtime purposes. However, if any employee uses bereavement leave during a week and then works extra hours on the other days to maintain the workload, they will be paid all of the hours used for bereavement leave and all of the hours worked at the employees' regular rate of pay.

(4) Jury Duty/Court Witness Leave: The District recognizes the duty of employees as citizens to serve on juries or as court witnesses. When possible, employees are expected to report to work before and after jury service to perform as many of their regular duties as possible. Employees, who are called to serve as jurors or witnesses on behalf of the district or as a citizen, will have their choice of compensation as follows:

- (1) Remit the court-paid juror/witness fee to the district and be compensated for regular hours worked; or
- (2) Use vacation or compensatory leave for the time away from work and keep the court-paid juror/witness fee.

(5) Administrative Leave: Administrative leave with pay may be granted by the District Fire Chief for special circumstances as deemed necessary, i.e., investigations, disciplinary measures, etc.

Time absent by reason of subpoena in private litigation or by some party other than the Federal Government, the State of Utah or political subdivision thereof, to testify not in official capacity, but as an individual, shall be taken as vacation or compensatory leave.

- (1) Employees with other employment that requires court appearances shall not be paid for District time used to fulfill that obligation.
- (2) This policy does not apply to employees who appear in court on their own behalf, such as to pay a traffic ticket or to participate in a personal lawsuit.

## HOLIDAYS

### Policy:

It is the policy of The North Davis Fire District to designate and observe certain days each year as holidays. Eligible administrative employees will be given a day off with pay for each holiday observed.

### Procedure:

The schedule of holidays the District will observe during each calendar year and the days the District offices will be closed are as follows:

New Year's Day	First day in January
Human Rights Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	Nineteenth day in June
Independence Day	Fourth day in July
Pioneer Day	Twenty-fourth day in July
Labor Day	First Monday in September
Veterans Day	Eleventh day in November
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Fourth Friday in November
Christmas Day	Twenty-fifth day in December
Day after Christmas	Twenty-sixth day in December

(1) Regular Full-time Employees are eligible to receive eight hours of their regular rate of pay for each observed holiday. All holidays except the Personal Holiday will count as time worked for Regular Full-time Employees who are not 24-hour Shift Firefighters (8 hours multiplied by 13 holiday = 104 hours. 104 hours divided by 26 payrolls = 4 hours of accrual).

(2) Full-time Employees who are 24-hour Shift Firefighters will be given 4 hours of annual leave per pay period in lieu of holiday pay benefit. The 4 hours per pay period is built into the vacation leave accrual rate.

(3) A holiday that occurs on a Saturday will be observed the previous Friday. Holidays falling on Sunday will be observed on the following Monday.

(4) If a holiday occurs while a 2080-hour employee is on vacation leave, that day will not be treated as vacation leave.

(5) If a holiday occurs while a 2080-hour employee is on paid sick leave, that day will not be treated as sick leave.



(6) The District recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the District's regular holiday schedule. Accordingly, employees who would like to take a day off for those reasons may do so if it will not unduly disrupt the District's business and if the employee's supervisor approves. Employees may use accumulated vacation days for these occasions. (See Leaves of Absences Chapter 500 and 702.)

(7) The District may schedule work on an observed holiday for regular full-time employees, as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. Employees will be given the option of receiving an additional eight hours of pay for their holiday benefit or may schedule another day off, with the prior approval of their supervisor, at another time during the year.

(8) The holiday benefit is defined as eight hours of pay. 40-Hour week employees working less than eight-hour shifts will be required to use vacation leave to make up the additional hours for the holiday or make up the hours during the other days of the week in which the holiday occurs.

(9) If an employee is off without pay because of an unauthorized absence either the workday before or the workday after a holiday, the employee forfeits that holiday and shall receive no pay for that day.

## **ABSENCE FROM WORK - 700**

Attendance and Punctuality .....	701:1
Leaves of Absence .....	702:1
• Family and Medical Leave Act	
• Military Leave	
Rest Breaks .....	703:1
Meal Breaks .....	704:1