MAYOR'S EXECUTIVE ORDER	NUMBER: 89-20
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VACATION LEAVE BANK	DATE EFFECTIVE: JULY 1, 2020
	This policy establishes a Vacation Leave Bank for City of Birmingham employees
(X)ORIGINAL ISSUE	( ) REVISION

PURPOSE

This Executive Order establishes a Vacation Leave Bank for the use and benefit of full-time employees.

SCOPE

This policy applies to all full-time, permanent classified and unclassified employees who are compensated for services by the City of Birmingham, have been employed for at least one (1) year, and who accrue vacation and sick leave.

POLICY

It is the intention of the City of Birmingham in adopting the Vacation Leave Bank to assist participating employees who have exhausted all accrued vacation balances as a result of a non-job related personal catastrophic, disastrous or devastating event.

Additionally, it is the intent of the City of Birmingham in adopting a Vacation Leave Bank to assist individuals who have insufficient time to take six (6) weeks of paid maternity or paternity leave.

A Vacation Leave Bank Committee [hereafter the VLB Committee] shall administer the Vacation Leave Bank in accordance with the procedure set forth herein.

I. DEFINITIONS

As used herein, the following terms shall have the meaning hereby ascribed to them:

a) **Accrued leave balances:** accrued balances of vacation and comp time hours.
b) **Catastrophic, disastrous or devasting event:** an unexpected personal catastrophic event including but not limited to a house or apartment fire, a loss or damage to real property as a result of a natural disaster such as tornado or flood, the death of a spouse, child or domestic partner, the death of a family member out of the country.
c) **Employee:** all full-time, permanent classified and unclassified employees who are compensated for services by the City of Birmingham, and who accrue vacation and sick leave.
d) **Good Standing:** an employee who has not been suspended for three (3) or more days within the last 12 months.
e) **Initial Enrollment Period:** from June 15, 2020 to June 30, 2020.
f) **Vacation Leave Bank (VLB) Committee:** the Committee established by this Executive Order to administer the Vacation Leave Bank

II. VACATION LEAVE BANK COMMITTEE

The Committee shall consist of seven (7) voting members and one non-voting member to be formed in the following manner:

1. The Director of Human Resources or designee shall be the Chairperson of the Committee.
2. One (1) member shall be appointed by the Fire Chief.
3. One (1) member shall be appointed by the Police Chief.
4. One (1) member shall be appointed by the Public Works Director.
5. One (1) member shall be a representative of the City Attorney's Office. This member will be non-voting.
6. Three (3) members will be selected at large from the remaining City of Birmingham Departments by the Mayor.
7. The term shall be three (3) years. In order to stagger the terms, the first term of three (3) members appointed by Police, Fire, and Public Works shall be for two (2) years. Thereafter, those terms shall be three (3) years.
8. Only individuals participating in the Vacation Leave Bank may serve on the Committee and each member must be an employee in good standing.
9. Committee members are eligible for re-appointment to the Committee.
10. Any member of the Committee may be removed upon the recommendation for removal by the Mayor or the Director of Human Resources.
11. Any vacancy shall be filled by the appropriate appointing authority.
12. Meetings of the Committee shall be scheduled on a regular monthly basis as determined by the Committee. Additionally, meetings may be called by the Chairperson or by a majority of the Committee.
13. The identity of the member of the Committee shall remain anonymous to the extent permitted by law.
14. Members of the VLB Committee shall not engage in discussions with a leave applicant or concerning an employee's leave application outside of discussions held with the entire VLB Committee.

III. PROCEDURE

1) <u>Eligibility for Membership</u>
   a) Employees are eligible to apply for membership in the Vacation Leave Bank in the 30-day period immediately following the completion of one year of employment with the City, or during any annual benefits enrollment period thereafter.
   b) If an employee opts out of the program, any donated hours will not be returned.

2) <u>Application for Membership and Membership</u>
   a) Applications for membership shall be accepted during the Initial Enrollment Period, during Annual Benefit Open Enrollment, or the 30-day period immediately following completion of the employee's first year of employment.
   b) To enroll in the Vacation Leave Bank, an employee must complete the Memorandum of Understanding/Vacation Leave Bank Plan (Attachment A) and deliver it to the City of Birmingham's Department of Human Resources.

c) The HR Department will determine eligibility within 30 days and applicants will be notified in writing of their disqualification from participation within 45 days of application.

d) The Vacation Leave Bank activates when members contribute eight (8) hours of accrued vacation leave when entering the Plan and an additional eight (8) hours of accrued vacation each year thereafter. Assessments shall be made on July 1 of each year.

e) If an active participant does not have eight (8) hours of accrued vacation leave on the assessment date or if the employee is on an approved leave, the employee may remain a member of the Vacation Leave Bank provided that upon the employee's return to work, eight (8) hours of accrued Vacation leave will be donated to the Bank.

f) On the 1st day of the month following approval of membership, the applicant officially becomes a member of the bank.

IV. REQUEST FOR BENEFITS

1) Members shall be eligible for benefits 30 days after membership approved. To be eligible to receive Vacation Leave Bank benefits, the member must be in good standing and must exhaust all available accrued leave balances except maternity and paternity requests.
2) Members seeking maternity and paternity leave must exhaust all but 40 hours of accrued vacation and 40 hours of accrued sick leave before using Vacation Leave Bank hours.
3) Application must be made in advance of an anticipated maternity or paternity request.
4) To apply for benefits, a member shall submit a Vacation Leave Bank Use Request (Attachment B) to the City of Birmingham's Human Resources Department. The employee requesting Leave shall provide the department payroll coordinator notice that a Leave Request has been submitted. The City of Birmingham's Department of Human Resources will review for completeness and forward the request to the Committee for consideration. If a member is unable to provide the necessary documentation, the member may appoint, in writing, a designee to provide the necessary documentation.
5) The Vacation Leave Bank Use Request will include the following information:
    a) Applicant's name, employee identification number, department, and classification or job title.
    b) The number of hours requested from the Vacation Leave Bank.
    c) An attested statement including the date of the anticipated maternity/paternity leave or the nature of the personal catastrophic, disastrous or devasting event that will be reviewed by only Human Resources and probable date of return to duty that will be reviewed by the Committee.
    d) Any other information offered by the applicant in support of the request.
    e) Any other information requested by the Committee that is relevant to the request.
    f) An employee applying for benefits shall not submit their request to any individual member of the VLB committee, nor contact a member of the committee directly regarding the status of their application for leave.

V. ACTION OF COMMITTEE

1) Meetings of the Committee shall be scheduled on a regular monthly basis as determined by the Committee. Additionally, meetings may be called by the Chairperson or by a majority of the Committee.
2) The Committee will review Vacation Leave Bank Use Requests and grant or deny benefits by majority vote with a quorum of those present and eligible to vote. The employee will be notified of the Committee's decision in writing.
3) Benefits may be awarded on a case-by-case basis.
4) Benefits may be awarded in hourly increments not less than 24 hours and up to a maximum of forty (40) hours for a catastrophic, disastrous or devastating event and up to 240 hours for maternity or paternity leave within a rolling twelve (12) month period.
5) If the request is approved, benefits will begin, except as noted above, when the applicant's entire accrued eligible leave balances have been exhausted or upon committee approval date.
6) For maternity and paternity leave if the applicant has not previously exhausted FMLA time, Vacation Leave Bank time will run concurrent to FMLA, keeping the employee in paid FMLA status.
7) Under no circumstances will benefits be based on a retroactive application.
8) Denial of Leave by the Committee are appealable to the Director of Human Resources.

VI. HUMAN RESOURCES DEPARTMENT RESPONSIBILITY

1) The City of Birmingham Human Resources Department will maintain all records relating to the Vacation Leave Bank. The Human Resources Department shall submit a quarterly report of the Vacation Leave Bank's status to each member of the Committee which will include the following:
    a) Beginning Vacation Leave Bank balance.
    b) Contributions made to the Vacation Leave Bank.
    c) Total benefits granted from the Vacation Leave Bank during prior the reporting period.
    d) Ending Vacation Leave Bank balance.
    e) Number of Vacation Leave Bank members.
2) The Vacation Leave Bank's balance will equal the number of Vacation hours donated minus the number Vacation hours used. The Human Resources Department will report annually on the number of hours available in the Vacation Leave Bank.

VII. UNUSED VACATION BANK TIME

If an employee does not use all time awarded from the Vacation Leave Bank, within the time frame approved for use of the Vacation Leave Bank hours, the hours will be returned to the Vacation Leave Bank.

VIII. SPECIAL ASSESSMENTS AND DONATIONS

1) In the quarterly report, the Human Resources Department will provide notice to the VLB Committee when the Vacation Leave Bank's balance is below a 30% margin as computed by using the following formula: 8 x total number of members x 30%. In the event the Vacation Leave Bank's balance falls below 30%, all Vacation Leave Bank members must contribute their next accrued eight (8) hours of sick leave. Failure to contribute vacation leave as required by the VLB Committee's assessment of the Vacation Leave Bank balance will result in the member's involuntary termination from the Vacation Leave Bank and the forfeiture of all benefits and rights with respect to vacation leave previously contributed.

2) Upon retirement an employee who is an active participant in the Vacation Leave Bank and has not used vacation leave to increase the employee's pension benefits may contribute up to 480 hours of accrued vacation leave.
3) At any time, a member of the Vacation Leave Bank may donate additional hours with a request that those hours be used for a particular member's Leave Request. However, the VLB Committee will make the final determination if such request will be honored. If the hours donated are not used as requested, the hours will not be returned to the donating Member.

IX. VACATION LEAVE BANK TERMINATION

The Vacation Leave Bank may be terminated by a repeal of this Executive Order by the Mayor of the City of Birmingham.

The adoption of this executive order supersedes any and all prior personnel policies, resolutions or executive orders that conflict with the provisions therein.

APPROVED ON THIS THE 9TH DAY OF JUNE, 2020.

RANDALL L. WOODFIN, MAYOR