



MOUNTAIN BROOK FIRE DEPARTMENT

POLICY NO. 103.03 VOLUME: 1

SUBJECT: Administration of Employee Leave Time

SIGNED: _____ DATE: 6/7/2017 - revised
Chris J. Mullins, Fire Chief

SCOPE AND PURPOSE: The administration of employee leave time perhaps presents one of the more challenging issues within the scope of fire service administration. Maintaining minimum risk level staffing on a constant basis for all apparatus must be balanced against allowing ample opportunities for employees to take accrued leave time. Recognizing the need for the maintenance of this balance and additionally recognizing that it is important that the policy/procedures to maintain this balance be clearly delineated to all department employees, the following text has been established as the Mountain Brook Fire Department leave time policy.

POLICY:

Minimum Risk Level Staffing: The minimum risk level staffing for Pumpers and Ladder Truck apparatus within this department has been set at three (3) personnel per first-line apparatus. Battalion 1 will be manned in a constant manner (Policy 103.02). Additionally, there will be one (1) person assigned to the Transport Unit. There are four personnel per first-line apparatus scheduled to work each shift (if no one is on leave time) with one person in Battalion 1 and one on the Transport Unit. This totals to a maximum of eighteen (18) personnel that can be on duty. Per the minimum staffing level stated above, a total of four (4) personnel can be off on scheduled leave at any one time. This includes the Battalion Chief in Battalion 1 and the Transport Unit. The number of personnel on duty during one shift cannot be less than 14 including Battalion 1 if minimum risk level staffing is to be maintained. The Shift Commander will approve overtime when necessary to achieve minimum risk level staffing.

Forced Overtime/Staffing Shortage: Each apparatus is responsible for covering their own staffing shortages. Opportunities will be given for individuals to volunteer for overtime due to staffing shortages, but it is the responsibility of the Acting Officer to maintain a minimum staffing level on his/her apparatus by utilizing current apparatus personnel until such time that the shortage is filled. When a staffing shortage must be filled by forced overtime, the selection of the personnel back-filling for the shortage will be based on seniority. For supervisor shortages, forced overtime should rotate between the Officer and the Apparatus Operator.

Reporting to Work: Personnel punctuality and consistency in reporting to work are admirable and required characteristics for the adequate delivery of fire/emergency medical services. The safety of fellow employees and the citizens we serve depends on this work ethic.

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The work day begins at 7:00 AM for shift personnel. All personnel are expected to be in uniform, well groomed (clean shaven) and ready to perform the normal work routine of the day. Personnel due to report at 7:00 AM and not scheduled to be on recognized leave will be counted as tardy for up to one (1) hour (8:00 AM) if they do not report to work and will be counted as AWOL for any time thereafter if they have not contacted their supervisor to give the nature of the emergency for not being at work (i.e. wreck on interstate away from all phones). It shall be up to the Fire Chief to make the final determination (after consulting with the respective Shift Commander) as to what constitutes "good reason" regarding a person not being considered AWOL.

Supervisor Responsibilities: The immediate supervisor (BC, Lt. or AO) shall make a written report (memo) to the Shift Commander stating that an employee has been either tardy or AWOL; giving the specific information (facts) regarding the situation. If the employee reported only as being tardy the memo will be placed in the employee's personnel file as a record (for up to three years) without further action; however, it should be noted that excessive tardiness could lead to a lower efficiency evaluation or other action as required. If the memo indicates that the employee was AWOL, then the Fire Chief will review the situation with the Shift Commander. AWOL records will be a permanent part of an employee's personnel file.

Reporting to Work During Inclement Weather: Inclement weather presents a challenge to the general workforce in reporting to work, but it is even more challenging to emergency services personnel. The very nature of emergency services delivery dictates that personnel be at work and ready to respond at all times; therefore, department personnel are expected to report to work during inclement weather just as any other normal work day. Personnel may however:

- Take authorized leave (Vac., Holiday Time, etc.) according to department leave time policies governing minimum risk level staffing (unless leave-time has been previously cancelled due to an inclement weather forecast).
- Make arrangements with appropriate personnel to swap time until such time as the individual can report to work (see swap-time provision).
- Report to their station early (ahead of the predicted inclement weather problem). Personnel reporting to their station early **may** be called into service if needed. Appropriate overtime compensation will be granted in these situations. The shift commander (Battalion 1) has the authority to press these individuals into service when needed. Battalion 1 should be able to show just cause for the additional personnel needed in these cases, however.

Failure on the part of an individual to report to work or cover his/her work shift by 7:00 AM will result in that person being considered tardy or AWOL, whichever applies.

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THE ORDER OF LEAVE TIME BY PRIORITY SHALL BE:

1. ANNUAL LEAVE
2. SCHEDULED KELLY DAY
3. 30 DAY GUARANTEED LEAVE

ANNUAL LEAVE/VACATION LEAVE (ALSO NOTE JCPB RULE 7.10-7.15):

Annual Leave: Annual Leave is defined as a one-time seniority driven selection of vacation (in whole shifts) for each employee within the calendar year per apparatus. It is considered an employee's primary vacation choice for the year. Annual Leave is established to accomplish three goals: 1) to allow employees to sign-up for a one-shot vacation for the year sorted by seniority per apparatus, 2) to offer employees the opportunity to plan a primary vacation for the year that is guaranteed regardless of staffing levels or shift changes at the time vacation is taken, 3) to allow the department to plan staffing in a more long-range fashion thereby reducing the need for overtime, etc.

Annual Leave Process: A seniority list per apparatus shall be generated and posted in each station by December 1st of each year. Those wishing to take advantage of their seniority in selecting annual leave must sign up on this list no later than the beginning of the shift on February 1st. This list will be taken by the Shift Commander working on February 1st and copies made for each station. The Shift Commanders will keep a copy of the original in each of their respective shift's file. Each station will list the seniority selected annual leave time on the station calendar so future leave time conflicts will not develop.

Vacation Leave: There are two categories of vacation leave: one guaranteed, and the other not guaranteed. To have guaranteed vacation leave, the requestor must request vacation (and be approved) at least 30 days in advance and the request must be in whole shifts. The requests will be made in memo form from the employee to his/her immediate supervisor (Lieutenant/Captain whichever applies). The immediate supervisor will verify that the dates being requested do not conflict with other scheduled events and that staffing is available and then shall sign the request as approved. The request will then be forwarded to the Shift Commander and the Shift Commander will verify that staffing is appropriate for the entire shift during the time selected and if so, will sign as approved. The Shift Commander will let the employee know that the request is approved or denied. The original request will be kept in a folder in the Shift Commander's office (each Shift Commander will keep a folder for his/her shift). Supervisors shall note the leave-time that has been approved on the station calendar as soon as possible. This will keep conflicts from arising as other vacation leave times are requested.

Requests for guaranteed vacation shall be limited to one request at a time. In other words, a person requesting this type of leave should only have one request pending at a time.

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After the leave is taken, then this person may sign-up again for another leave-time opportunity. This is to keep one employee from signing up for all of the “good” opportunities for vacation leave at one time, and leaving only a few opportunities for his/her co-workers.

Vacation Leave that is requested with less than 30 days’ notice or vacation that is a partial shift shall not be guaranteed and therefore is wholly dependent on available staffing. Personnel requesting vacation in this manner may wish to have a “contingency plan” available in case staffing becomes an issue.

Vacation Leave: Vacation Leave differs from Annual Leave in several ways. Some of the key points regarding vacation leave are:

- Vacation Leave is on a first come, first served basis regardless of seniority time.
- Non-guaranteed vacation leave is wholly dependent upon available staffing (4 personnel off per shift maximum). No OT will be paid for this vacation category.
- Guaranteed vacation leave is guaranteed like Annual Leave. OT will be paid if staffing becomes deficient after the leave has been previously cleared through the Shift Commander.
- Guaranteed vacation leave must be taken in whole shifts (one shift, two shifts, etc.). Regular vacation leave shall be for a minimum of two hours and must be taken in 30 minute increments (cannot take 2.75 hours of Vac. for example) by the clock (must begin on the whole hour or the half hour, and must end on the whole hour or half hour). Our timekeeping software is setup to receive time in this fashion only. Both vacation leave categories must be approved by a supervisor.
- Vacation leave once approved shall be noted on the station calendar by the supervisor.
- Open ended requests for vacation leave (person leaving and not knowing how long he/she will be gone on leave) are discouraged (does not let other members know when they may request leave during the same shift).

Holiday Time as Leave: (Also not JCPB Rule 7.9) Holiday time leave is granted within the same minimum staffing constraints as vacation leave. The taking of Holiday Time must start and end on the whole hour or half hour (timekeeping program is designed to keep leave time this way). A minimum of two (2) hours of time must be taken with each occurrence. Again, open-ended requests for holiday time should be discouraged for the same reason previously stated.

Accrual of Holiday Time as leave time and as pay is governed by the following City Ordinance:

Effective Oct. 1, 1994 employee holiday time will start accruing for the fiscal year on an eight (8) hour per holiday basis. This will be added to the holiday time balance of those employees with 40 or fewer hours from the previous fiscal year.

After an employee’s holiday time reaches eighty (80) hours, any additional holiday time earned will be paid to the employee (1.0 rate).

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Eighty (80) hours of holiday time can be carried over from one fiscal year to the next and as holidays occur the employee will receive eight (8) hours compensation in addition to his /her regular pay.

Payment for accrued holiday time less than eighty (80) hours will occur only when an employee leaves the service of the City. Accrued holiday time can be taken as leave time in accordance with the leave time policies of each department.

Adopted: September 26, 1994

Sick-With-Pay Leave: Sick-with-pay leave is administered within the established guidelines of the Jefferson County Personnel Board. All department personnel (especially supervisors) should be familiar with the JCPB requirements regarding SWP.

SWP leave is a privilege offered within the system that allows for compensation to be paid when an employee is required to be off duty due to illness or incapacitation. It also allows for the employee to take leave to care for a sick family member as well as bereavement leave for the death of some relatives.

Personnel should be mindful of the privilege of SWP leave and work to keep proper balances such that their ability to be carried on payroll does not become jeopardized due to exhausting all SWP leave time.

Personnel should use self-discipline and remember that generally SWP leave is not a planned leave category and therefore may cause staffing to go below minimum levels which would require overtime to be paid.

General SWP Leave Guidelines:

- Supervisors may ask for a doctor's statement anytime SWP leave is taken; however, personnel having two years of service or more with a SWP leave balance of 150 hours or less will be required to produce a doctor's statement meeting the requirements of the MBFD for each occasion that SWP leave is taken including SWP for a family member.
- At the onset of a major injury or illness where SWP leave is taken, personnel having a balance of 15% or more of SWP leave that is commensurate with their years of service will be eligible for the department's alternate duty assignment under the SWP option.
- A fitness for duty exam under PBJC Rules may be required should personnel through their general health conditions and SWP leave usage suggest that they are not physically capable of performing essential job functions.

Military Leave: The taking of military leave is governed by Jefferson County Personnel Board Rules. Of particular importance to the department is the need to present documentation of required military

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leave as soon as possible. The requirement states that there should be ten (10) working days prior notice given. Notification sooner than the ten (10) day minimum, if available, would be more helpful in scheduling leave time.

Jury Leave: Department personnel are often called upon to perform their civic duty by serving as jurists. The taking of jury duty leave is governed by JCPB Rules. An employee must submit the appropriate jury summons documentation before being allowed to take the jury leave. Personnel scheduled for jury duty shall be excused from shift duty at 10:00 PM the night before they are to appear for jury duty (example: person due to appear on Monday morning and working on Sunday will be allowed to go home at 10:00 PM). This is to prevent the employees from not being able to serve as a jurist due to lack of rest from emergency responses the night before.

Swap-Time: Swap-time is an informal privilege which affords personnel the opportunity to be away from the job when other means of taking formal leave are not available (at minimum staffing, no leave time accrued, building leave time, etc.). Swap-time is not a formally recognized leave time category but essentially is a contract between co-workers; therefore, records will not be kept at the administrative office with respect to who “owes” swap-time to whom. However, since documentation of staffing is requisite, swap-time records will be noted on the daily personnel staffing cards at the station and listed on the department timekeeping program. Although not a formal leave category, there are some parameters which will govern the use of swap-time. These are listed below:

- Personnel swapping time should be capable of performing the duties of the person they will be replacing. An AO may swap time with a Lt. A Lt. may swap time with an AO only when the AO is scheduled to be the acting officer. Non-medics and medics may swap time, but at no time shall there be less than two medics on-duty for AN ALS apparatus.
- Personnel wishing to have someone work for them utilizing swap-time shall have it approved by an officer/acting officer in charge of the apparatus where the swap will take place. This should be done before the beginning of the shift if possible. **Personnel will not have the authority to swap time without it being approved by a supervisor (assures responsibility to cover shift).**
- After a person has agreed to work for another using swap-time and it has been approved by a supervisor, the Shift Commander will be notified. The responsibility for covering the shift rests with the individual that agreed to the swap. If the individual fails to cover the shift as arranged, then the department’s late/AWOL policy will apply to this individual.
- Personnel agreeing to work for another using swap-time will not be allowed to take leave time while he/she is working for the other person regardless of staffing levels. However, recognizing that **emergency situations** do occur (employee becomes ill, employee family member ill/injured, etc.), the Shift Officer may allow the employee to take sick-leave within the rules of the PBJC.
- **The paying of an individual to cover his/her shift of work utilizing swap-time is strictly forbidden.**

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- An individual will only be allowed a maximum of 300 hours SWAP time during a calendar year.
- SWAP time should be paid back in a timely fashion. There shall only be a maximum of 96 hours of SWAP time balance owed at any given time. Of the 96 hours, no more than 72 hours shall be owed to the same individual. If the 96 hour or 72 hour limit is exceeded, the individual will have SWAP time privileges suspended for up to six months.
- Variances to the SWAP time limits may only be granted with approval of the Fire Chief and/or Deputy Fire Chief.
- Supervisors may refuse the opportunity for personnel to take SWAP Time if there are events planned for the shift/unit which will require teamwork. SWAP Time taken too often does interfere with the continuity of team efforts.

Leave Time Records: The maintenance of leave time records is an important part of leave time management. It shall be the immediate supervisor's responsibility to verify that all appropriate leave time documentation has been completed and signed. It shall be the Shift Commanders responsibility to assure that department policy is followed.

The old adage that "time is money" applies to the administration of leave time. Every hour of leave time taken represents an hour's pay for the employee. Any **intentional** misuse or falsification of records regarding the taking of leave time will be viewed as an attempt to defraud the City.

The daily employee time recap sheet which is kept in the office of each station should be completed by the shift supervisor (for each person on the shift) before leaving duty at 7:00 AM. This record is the primary record which will be used if there are discrepancies with other records regarding leave time. It should show an up to date accounting of employee time both worked and as leave taken. It is the supervisor's responsibility to make sure that all time is accurately maintained and up to date.