

Chapter 7: Leaves

7.01 Vacation Leave

Each regular full-time employee is entitled to vacation leave based on the following schedule:

Years of employment	Vacation hours earned
0-2	10 days (80 hours) year
2-10	10 days + 1 day extra for every year employed on anniversary date. Maximum 20 days a year.

Example Accrual Schedule:

- First two years of employment: 6.67 hours per month.
- Beginning of the third year: 8 hours per month.
- Beginning of the fourth year: 8.67 hours per month.
- Maximum accrual at 10 years of employment: 13.34 hours per month.

Vacation Accrual Guidelines:

- Vacation accrual begins on the first day of the first full month of employment.
- Vacation hours are credited at the completion of each pay period.
- **Regular part-time employees** earn vacation leave on a **prorated** basis at a rate of **1.6 hours per 40 hours worked**. Vacation accrual begins at the first full month of employment but may not be used until probation period has completed.
- **Temporary employees** are **not eligible** for vacation leave.

Vacation Scheduling:

- Department heads are responsible for scheduling employee vacations to ensure City of Toledo operations are not disrupted. City Hall must have at least one employee in office during regular business hours at all times, unless attending training that has been approved by the Mayor.
- As a general guideline, leave requests of **one week or more** should be submitted in writing **at least two (2) weeks in advance** via the payroll software.

Minimum Vacation Use

- **Non-exempt employees (FLSA covered):** Vacation leave may be used in **increments of one (1) hour** per day.
- **Exempt employees (not covered by FLSA):** Vacation leave must be used in **increments of one (1) full day**.

Accrued Vacation Payout:

- **Regular employees** will receive payment for any **unused, accrued vacation** upon separation from employment.
- **Temporary employees** who **have not completed their probationary period** will **not** receive a payout for accrued vacation.

Vacation Accrual Exclusions:

- Vacation **does not accrue** on overtime hours worked.

The Importance of Taking Vacation Time

The City of Toledo values its employees and recognizes the importance of maintaining a healthy work-life balance. Vacation time is a critical benefit designed to allow employees to rest, recharge, and spend quality time with family and loved ones.

Why Taking Vacation is Important:

✓ **Employee Well-Being** – Taking time off reduces stress, improves mental health, and helps prevent burnout. A well-rested employee is more productive, engaged, and satisfied in their work.

✓ **Work-Life Balance** – Encouraging time away from work helps employees foster personal relationships, pursue hobbies, and enjoy meaningful experiences outside of the workplace.

✓ **Improved Productivity** – Studies show that employees who take regular vacations return to work more energized and focused, leading to increased efficiency and effectiveness in their roles.

✓ **Stronger Workplace Culture** – When employees use their vacation leave, it fosters a positive and supportive work environment where work-life balance is valued.

The City of Toledo wants every employee to **return to work refreshed, motivated, and ready to continue providing excellent service to our community**. Taking vacation is not just a benefit—it is an essential part of maintaining a fulfilling career and a happy, healthy life.

7.02 Administrative Leave

The **City Administrator or Mayor** may, at their discretion, grant additional **paid administrative leave** to **FLSA-exempt employees** when the employee has demonstrated **exceptional effort** during periods of **seasonal or extraordinary workload**.

7.03 Sick Leave

Eligibility & Accrual

- **Regular full-time employees** accrue **8 hours** of sick leave per pay period. After **10 years of employment**, the accrual increases to **10 hours** per pay period.

- **Regular part-time employees** accrue sick leave on a **pro-rata basis**, at a rate of **2 hours per 40 hours worked**.
- **Sick leave is credited at the completion of each pay period** and is available for use once accrued.
- **Temporary employees do not accrue sick leave.**
- **Sick leave cannot be used in advance of accrual.**
- **Maximum accrual is 480 hours** for all City of Toledo employees, unused sick leave will be lost at the end of fiscal year for any hours in excess of 480 hours.

Upon separation from employment, **employees will not be paid for unused sick leave** for any reason.

Permitted Uses of Sick Leave

Sick leave may be used when an employee is absent due to:

- **Personal illness, injury, or incapacity.**
- **Caring for immediate family members** who are ill, recovering from childbirth, or experiencing temporary disability.
- **Medical or dental appointments** for the employee or their dependent child (employees should schedule appointments to minimize work disruptions).
- **Exposure to a contagious disease** that would jeopardize the health of others in the workplace.
- **Use of prescription or non-prescription medication** that impairs job performance or safety.
- **Temporary disability associated with pregnancy or childbirth.**
- **Additional bereavement leave** beyond the standard bereavement policy, if authorized by the City Administrator or Mayor.
- **Government-mandated quarantine** due to a public health emergency, or when a child's school/place of care is closed due to an official emergency declaration.
- **Absences covered under the Washington State Domestic Violence Leave Act (RCW 49.12.270).**

Doctor's Documentation

- A **doctor's certificate** may be required for **absences of three (3) or more consecutive days**.
- The City of Toledo may request a **second medical opinion** (at the City's expense) to determine if an employee has a **chronic condition impairing their ability to work**.
- Employees with **excessive absenteeism** due to illness or disability may be subject to termination **if their condition cannot be reasonably accommodated** and their absenteeism disrupts City operations.

- The City may require a **doctor's release** before an employee **returns to work** after a serious illness or injury.
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Minimum Sick Leave Use

- **Non-exempt employees (FLSA covered):** Sick leave may be used in **increments of one (1) hour** per day.
 - **Exempt employees (not covered by FLSA):** Sick leave must be used in **increments of one (1) full day**.
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When Sick Leave is Exhausted

Employees who **use all of their accumulated sick leave** and require additional time off due to illness or injury may, **with prior approval from their department head**, use:

- **Vacation leave**
- **Compensatory time**
- **Floating holiday**
- **Leave without pay**

7.04 Family and Medical Leave

The **City of Toledo** recognizes the **importance of family** and the **well-being of its employees**. This policy outlines **eligibility, duration, and administration** of family and medical leave in accordance with the **Washington Paid Family and Medical Leave (PFML) program (RCW 50A)** and the **federal Family and Medical Leave Act (FMLA)**.

Eligibility

This policy applies to **regular employees** who have:

- **Worked at least 820 hours** in the qualifying period, as defined by Washington State law.
- **Been employed for at least 12 months** and **worked at least 1,250 hours** in the preceding 12 months to qualify for **FMLA leave**.

Types of Leave

Eligible employees may take Family and Medical Leave for:

- Their **own serious health condition** that prevents them from performing their job.
- **Bonding with a new child**, including **birth, adoption, or foster placement**.
- **Caring for a family member** with a serious health condition.
- **Certain military family exigencies** related to a family member's military deployment.

Leave Duration and Benefits

- Employees may receive **up to 12 weeks** of paid **family or medical leave** per year.
- Employees may receive **up to 16 weeks** of **combined** family and medical leave per year.
- Employees experiencing a **serious health condition related to pregnancy** may qualify for **up to 18 weeks** of leave.
- **PFML benefits are paid** through the **Washington Employment Security Department**.

Coordination with Other Leave Policies

- **Family and Medical Leave under FMLA and PFML** will run **concurrently** where applicable.
- Employees must **use PFML before utilizing City-provided paid leave benefits**, unless otherwise permitted by law.
- Leave taken under **Washington's Family Care Act (RCW 49.12.265-.295)** allows employees to use **paid sick leave** to care for family members.

Notification and Documentation

- Employees must provide **at least 30 days' notice** for foreseeable leave. If leave is unforeseeable, notice should be provided **as soon as practicable**.
- Employees **may be required to submit medical certification** from a health care provider for medical leave.

Job Protection and Retaliation Protections

- The **City of Toledo employs fewer than 50 employees** and therefore **does not meet the eligibility threshold** for **Family and Medical Leave Act (FMLA) job protection** under federal law.
 - **Washington Paid Family and Medical Leave (PFML) does not require job protection** for employers with **fewer than 50 employees**.
 - While eligible employees may receive **paid benefits** under PFML, the **City of Toledo is not required to hold their job or maintain health insurance benefits** during leave.
 - **Retaliation is prohibited:** The City of Toledo **strictly prohibits retaliation** against employees who take **family and medical leave** under **state or federal law**.
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Grant Opportunities to Support Job-Protected Leave for Small Municipalities

Since the City of Toledo employs fewer than 50 people, it is **not required** to provide **job protection** under FMLA. However, **Washington State's Paid Family and Medical Leave (PFML) program** offers **grants to small employers** to offset costs associated with providing job-protected leave.

Washington State PFML Employer Grants (RCW 50A.24.010)

Eligible small employers can apply for the following grants:

1. **Temporary Worker Replacement Grant**
 - Employers who **hire a temporary worker** to replace an employee on **family or medical leave for seven days or more** may receive up to **\$3,000**.
2. **Wage-Related Costs Grant**
 - Employers may be reimbursed up to **\$1,000** for significant **additional wage-related costs** incurred due to an employee's leave.

Eligibility Criteria

To qualify, employers must:

- Have **150 or fewer employees**.
- For employers with **50 or fewer employees**, they must be **paying both employer and employee portions** of PFML premiums.
- Employers with **approved voluntary plans** are **not eligible** for these grants.

Application Process

- Employers **apply through the Washington State Employment Security Department (ESD)**.
- Applications must **include documentation** showing that the **temporary hire or wage costs** are directly related to an employee's PFML leave.

Considerations for the City of Toledo

By **participating in the PFML program** and **paying both employer and employee premiums**, the City of Toledo can **access these grants** to help offset **operational costs** while providing **job-protected leave**.

For more information on **Washington's Paid Family and Medical Leave program** and **employer grants**, visit:

- **Washington State Legislature website:** app.leg.wa.gov

- Washington Employment Security Department: paidleave.wa.gov
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Continuation of Benefits

- **No benefits, such as vacation or sick leave, accrue** while an employee is on **unpaid leave**.
 - Depending on the type of leave taken, **health insurance coverage may terminate** at the end of the month in which unpaid leave begins.
 - Employees must **arrange with payroll** to continue **paying their share of health insurance premiums** to maintain coverage during leave.
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Discontinuance of Family Leave

If the **family member for whom leave was taken passes away**, the **family leave authorization ceases**. The employee may then be eligible for **bereavement leave** in accordance with **Section 7.05** of the **City of Toledo Policy**.

Confirmation Requirement

- The **City of Toledo may require medical certification** from a health care provider confirming the need for leave and expected duration.
 - Employees must provide the requested **confirmation within 15 days** of the request.
 - The City reserves the right to **obtain a second opinion at its expense** from a doctor of its choosing.
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Status Reports While on Family Medical Leave

- The **City of Toledo may require periodic updates** regarding the employee's status and intent to return to work.
 - The City may also **require additional medical certification** if continued leave is requested.
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Victims of Domestic Violence, Sexual Assault, or Stalking

Employees who are victims of domestic violence, sexual assault, or stalking may take reasonable leave, including intermittent leave, to seek legal assistance, law enforcement protection, medical

treatment, mental health counseling, or social services. Family members of a victim may also take leave to assist them.

Definitions

As defined in **RCW 49.76**, the following terms apply:

- **Dating Relationship** – A social relationship of a romantic nature (**RCW 26.50.010**).
- **Domestic Violence** – Physical harm, assault, fear of harm, sexual assault, or stalking between family or household members (**RCW 26.50.010**).
- **Family Member** – A child, spouse, parent, in-law, grandparent, or person with whom the employee has a dating relationship (**RCW 26.50.010**).
- **Sexual Assault** – Various sexual offenses, including rape, molestation, and sexual misconduct (**RCW 70.125.030**).
- **Stalking** – Intentional harassment causing fear of injury (**RCW 9A.46.110**).

Leave Use & Notice

- Employees may use **sick leave, vacation, compensatory time, or unpaid leave** for this purpose.
- Advance notice is required **when possible**. If leave is due to an emergency, the employee or a designee must notify the City by the end of the first day of leave.

Verification & Confidentiality

The City may require verification, such as:

- A **police report or court order**.
- Documentation from a **healthcare provider, advocate, clergy, or attorney**.
- A **written statement** from the employee.

All information related to the leave will be kept **confidential**, except as required by law.

Type of Leave

An employee who is absent from work under this policy may elect to use **sick leave, compensatory time, vacation leave, or unpaid leave**.

Continuation of Benefits

To the extent required by law, the **City of Toledo** shall maintain coverage under the health insurance plan for an employee taking leave under this policy, provided the employee **continues to pay their share of insurance premiums**, if any. The employee must make **payment arrangements with payroll** before the start of leave to ensure continued coverage.

7.05 Bereavement Leave

Any **regular employee** who suffers a **death in the immediate family** shall receive up to **five (5) days of leave with pay**. If additional time is needed, the **City of Toledo Administrator** may authorize the use of accrued **sick leave, vacation leave, or compensatory time**.

7.06 Shared Leave Program

The **City of Toledo** allows employees to donate **accrued vacation and/or sick leave** to another eligible City employee who is experiencing a **severe, prolonged, or life-threatening medical condition**, or who has an **immediate family member** with such a condition. This policy ensures that employees facing extended absences due to medical emergencies have access to additional leave, reducing the likelihood of **unpaid leave or job loss**.

Eligibility for Shared Leave

To receive donated leave, an employee must:

1. Have a **severe, life-threatening, or prolonged medical condition** (or have an immediate family member with such a condition) that requires an **extended absence** from work.
2. Have **exhausted** all available leave, including **vacation, sick leave, compensatory time, and floating holidays**.
3. Have completed **six (6) months** of employment, including any required **probationary period**.
4. Be **ineligible for State industrial insurance benefits** or have exhausted those benefits.
5. Use **shared leave concurrently** with unpaid **Family and Medical Leave Act (FMLA)** leave, if applicable.

Donation Guidelines

1. **Donations** are strictly **voluntary and confidential**.
2. Employees may donate **vacation and/or sick leave**, provided they maintain a **minimum balance** after donation:
 - **Vacation Leave** – Donors must retain at least **ten (10) days** (typically **80 hours**).
 - **Sick Leave** – Donors must retain a minimum of **one hundred seventy-six (176) hours**.
3. Donations must be made in **one-day increments** and are transferred **hour-for-hour**, regardless of pay differences.
4. The **maximum** amount of shared leave an employee may receive is **522 days**, unless an exception is approved for extraordinary circumstances.

Use and Management of Shared Leave

- Employees may use **shared leave intermittently**, if necessary.

- While on shared leave, the employee **continues to receive regular salary and benefits** as if using their own accrued leave.
- Any **unused donated leave** will be **returned to the donor(s)** when the recipient no longer needs it or is no longer eligible.

This policy ensures that employees facing **serious health challenges** have additional support while maintaining fairness and **compliance with RCW 41.04.665**.

7.07 Leave Without Pay

The **City of Toledo Administrator** may grant **leave of absence without pay** for **absences from work not covered** by any other type of leave or if **other leave balances are exhausted**.

Examples of Qualifying Absences

- A **prolonged illness or medical condition**.
- **Parenting or caring for an ill relative**.
- **Fulfilling a military obligation** exceeding **fifteen (15) days per year**.

Policy Details

- An employee **may be required** to use any **accrued paid leave** before taking **leave without pay**.
- If an employee is on **unpaid status for more than six (6) months**, their **anniversary date and time in service** will be changed to reflect the period of absence.

Leave Without Pay (LWOP) for Non-Exempt Salaried Employees

In circumstances where a **non-exempt salaried employee** has exhausted all available **Paid Time Off (PTO)** and requires additional time off for personal reasons, the **City of Toledo permits Leave Without Pay (LWOP)** under the following conditions:

- **Request Procedure** – The employee must submit a **written request** for LWOP to their supervisor at least **14 days** in advance. Approval is subject to operational needs and **managerial discretion**.
- **Salary Adjustment** – Approved LWOP will result in a **salary deduction** based on the employee's **hourly rate**, calculated as follows:
 - **Hourly Rate** = Annual Salary ÷ 2,080 hours
 - **Deduction Amount** = Hourly Rate × Number of Unpaid Hours
- **Benefits Impact** – During LWOP, the **accrual of benefits** such as **vacation and sick leave** may be **suspended**, and the employee is responsible for their **portion of any benefit premiums**.

- **Compliance** – The City ensures that **any salary deductions do not reduce the employee's earnings** below the state **minimum wage** for hours worked during the pay period.

By implementing this policy, the **City of Toledo** provides **flexibility** for **non-exempt salaried employees** needing additional **personal leave** while ensuring **compliance with Washington State labor laws**.

7.08 Jury and Witness Leave

Policy Statement: The City of Toledo is committed to supporting employees in fulfilling their civic duties, including serving as jurors or witnesses, in accordance with Washington State law.

Jury Duty Leave:

- **Leave of Absence:** Employees summoned for jury duty will be granted a leave of absence to serve as jurors.
- **Compensation:** While state law does not require employers to pay employees during jury service, the City of Toledo will continue to provide regular wages during the period of jury duty.
- **Remittance of Jury Fees:** Employees are required to remit any compensation received for jury duty (excluding mileage or travel reimbursements) to the City of Toledo.
- **Reporting to Work:** Employees must report to work during periods when they are not required to be present in court, provided that such time does not interfere with their jury obligations.

Witness Duty Leave:

- **Leave of Absence:** Employees subpoenaed to serve as witnesses in legal proceedings will be granted a leave of absence for the duration required.
- **Compensation:** The City of Toledo will continue to provide regular wages during the period of witness duty.
- **Remittance of Witness Fees:** Employees are required to remit any compensation received for witness duty (excluding mileage or travel reimbursements) to the City of Toledo.

Employer Obligations:

- **Non-Retaliation:** The City of Toledo shall not deprive an employee of employment, threaten, coerce, harass, or deny promotional opportunities because of jury or witness service.
- **Waiver Requests:** If an employee is summoned during a critical work period, the City may request the employee to seek a deferral or waiver from jury or witness duty. However, the final decision rests with the court.

Employee Responsibilities:

- **Notification:** Employees must promptly notify their supervisors upon receiving a summons or subpoena.
- **Documentation:** Employees may be required to provide documentation or verification of jury or witness service.

7.09 Military Training Leave

Military Training Leave:

- **Eligibility:** Employees who are members of the **Washington National Guard**, the **Armed Forces Reserves**, or any other uniformed services are entitled to military leave.
- **Paid Leave Entitlement:** Eligible employees are granted up to **twenty-one (21) working days** of **paid military leave** per federal fiscal year (October 1st through September 30th) to report for required military duty, training, or drills, including those in a state active status. This leave is **in addition to** any vacation or sick leave and does not result in loss of privileges or pay.
- **Additional Leave Beyond 21 Days:** If military duty exceeds 21 working days, employees may use accrued compensatory time, vacation leave, or request leave without pay.

Notification and Documentation:

- **Advance Notice:** Employees must provide their supervisor with **written or oral notice** of upcoming military duty as soon as possible. While **military orders** are preferred, any advance notice is acceptable under the **Uniformed Services Employment and Reemployment Rights Act (USERRA)**.
- **Documentation:** Employees are requested to provide copies of military orders or annual drill schedules before military leave begins. If such documents are not immediately available, they must be provided no later than **thirty (30) days** after the military leave starts.

Reemployment Rights:

- **Duration of Service:** Employees who serve up to **five (5) years** in the uniformed services are entitled to reemployment rights under **USERRA**.
- **Return to Work:** Upon completion of military service, employees must **apply for reinstatement** in a timely manner, as specified by federal guidelines, to ensure reemployment without loss of benefits or seniority.

Benefits During Military Leave:

- **Health and Retirement Benefits:** During paid military leave, employees continue to receive regular benefits. For unpaid leave, employees may elect to continue health coverage at their own expense, as governed by federal law.
- **Accruals:** Vacation and sick leave accruals will **pause** during unpaid military leave and **resume** upon return to active employment.

Military Family Leave:

- **Spousal Leave:** Employees who are spouses or registered domestic partners of military personnel are entitled to **fifteen (15) days** of unpaid leave when their spouse or partner is on leave from deployment or before deployment during a period of military conflict. To qualify, the employee must work an average of **twenty (20) hours** or more per week and provide notice within **five (5) business days** of receiving official notice of deployment or leave from deployment.

7.10 Holidays

The following are recognized as paid holidays for all regular employees:

New Year's Day
 Martin Luther King Jr.'s Birthday
 President's Day
 Memorial Day
 Juneteenth
 Independence Day
 Labor Day
 Veteran's Day
 Thanksgiving Day
 Native American Heritage Day
 Christmas Eve
 Christmas Day
 One floating holiday

A holiday falling on Saturday will be observed on the preceding Friday. A holiday falling on Sunday will be observed on the following Monday.

Employees are eligible for holiday pay provided they work their scheduled shifts immediately before and after the holiday. If an employee is absent on either of these days, holiday pay will not be granted unless the absence is protected under state or federal leave laws (e.g., paid sick leave, family/medical leave) or has been pre-approved by management.

Part-Time and Temporary Employees

- Holiday pay for **regular part-time employees** will be **pro-rated** based on their scheduled hours.

- **Temporary and non-regular employees** typically **do not** receive paid holidays, unless an exception is made by the City of Toledo Administrator as part of an individual's benefit package.

Floating Holiday

Each **regular full-time employee** is entitled to **one floating holiday** per calendar year.

- **Regular part-time employees** will receive a **pro-rated** floating holiday based on their normal work schedule.
- **Temporary employees** are **not eligible** for a floating holiday.
- **Floating holidays are awarded** at the beginning of each calendar year and may be used **any time after the trial period**.

Guidelines for Use:

- ✓ **Scheduling:** The floating holiday must be scheduled in agreement with the employee's supervisor.
- ✓ **Expiration:** The floating holiday **must be used within the calendar year**—it **cannot be carried over** into the next year.
- ✓ **Termination:** Unused floating holidays **are not compensated** upon termination.
- ✓ **New Employees:** Employees become eligible for a floating holiday **after six (6) months** of continuous employment.

Religious Holidays

Employees whose religious beliefs require observance of a holiday **not listed** in the official holiday schedule may, with department head approval, take the day off using:

- Vacation leave
- Compensatory time
- A floating holiday
- Leave without pay

Holidays Worked

Non-exempt employees who work on a **designated holiday** will be compensated at a premium rate of **one and one-half (1.5) times** their regular hourly rate for all hours worked on the holiday.

Key Provisions:

- ✓ **Holiday Pay Rate:** Employees will receive **1.5 times** their regular hourly rate for **all hours worked** on a designated holiday.
- ✓ **Overtime Considerations:** If total hours worked in the workweek—including holiday

hours—exceed **40 hours**, the additional hours will be compensated at the **applicable overtime rate**, in compliance with state and federal laws.

✓ **Pre-Authorization Requirement:** Employees **must obtain prior approval** from their supervisor before working on a holiday.