



Rudy Jackson
Fire Chief

STANDARD OPERATING PROCEDURE

TITLE:

NUMBER:

EFFECTIVE:

REPLACES:

ACCOUNTABILITY: OPERATIONS

REVIEW CYCLE: ANNUAL

Purpose:

To detail the process for addressing excessive use of unscheduled sick and/or family leave.

Definitions:

Excessive Use of Unscheduled Leave: Family and/or sick time usage deemed inappropriate, excessive and/or illegitimate (referred to herein as "excessive leave").

Vacation Relief (VR): Personnel assigned to fill-in for regularly assigned personnel during absences.

Sick and Family Leave Committee (the "Leave Committee"): Peer committee consisting of civil service personnel that will determine if personnel are using excessive unscheduled leave.

General Information:

Sick time shall be utilized only in cases of bona fide incapacitation, illness or injury of the employee. There is no right to use sick leave for personal convenience or extra time off, or to burn excess leave prior to retirement.

Family illness leave shall only be utilized to allow employees time off when their presence is required to assist an immediate family member due to an illness and/or injury, doctor's, dentist's or other medical appointments, or for a death in the immediate family.

Instructions/Procedures:

The Leave Committee will be charged with the responsibility of reviewing the use of sick leave and family leave by fire fighters, and determining which, if any, fire fighters have engaged in a practice of excessive leave.

The Leave Committee will consist of 5 voting members designated by the Chief and one non-voting member designated by the Association. The member designated by the Association will have a voice, but not a vote, at the Leave Committee meetings. For the Leave Committee to hold a meeting, a quorum of sitting voting members (not counting vacant positions) must be present. The presence of the non-voting Association members will not be considered in determining whether a quorum exists. The meetings of the Leave Committee will not be subject to the Texas Open Meetings Act. All decisions of the Leave Committee must be by a majority vote of the voting members attending the meeting at which the decision was made. At the first meeting in each calendar year, the voting members of the Leave Committee will select by majority vote the members of the Leave Committee to serve as Chairperson and Vice-Chairperson. The Chairperson will preside over all meetings of the Leave Committee. The Vice-Chairperson will preside over any meeting at which the Chairperson is not present. The time spent by members at Leave Committee meetings will be considered hours worked for the purpose of calculating eligibility for overtime. The Leave Committee may adopt Bylaws and other rules governing its

organization or operation as it deems necessary, but no such Bylaws or rules can conflict with the existing Collective Bargaining Agreement.

Operations Administration shall query sick and family time in July and January. Each query will be for the preceding six months. Specifically, the July query will review January through June. The January query will review July through December. The report resulting from the query will be provided to the Leave Committee and will include the dates and amount of each leave used by each fire fighter identified in the query.

For 56 hour personnel:

Individuals using more than 96 hours of combined sick and/or family time during the six months will be identified by the query for Leave Committee review. The committee will determine if the employee with more than 96 hours of combined sick and/or family usage is using an excessive amount of unscheduled leave.

For 40 hour personnel:

Individuals using more than 60 hours of combined sick and/or family time during the six months will be identified by the query for Leave Committee review. The committee will determine if the employee with more than 60 hours of combined sick and/or family usage is using an excessive amount of unscheduled leave.

Examples of excessive use of unscheduled leave include, but are not limited to using family illness and/or sick time:

- To extend vacations.
- Predominately on weekends.
- On holidays
- When denied vacation time
- In close proximity to overtime shifts
- In obvious patterns
- In known or proven illegitimate situations.

The Leave Committee will review the information from the report and query and determine whether any fire fighter, during the previous six-month period, used an excessive amount of unscheduled sick leave, family leave, or both ("excessive leave"). Excessive leave, as determined by the Leave Committee, can be based on the amount, or timing, of the sick leave or family leave taken, and can include any sick or family leave the Leave Committee determines was inappropriate, excessive or illegitimate. The Leave Committee cannot determine that a fire fighter has used excessive leave without first giving the fire fighter a reasonable opportunity to explain his or her leave usage to the Leave Committee, either in writing and/or at the Leave Committee meeting at which the matter is discussed. The time spent by a fire fighter appearing before the Committee to explain his or her use of leave will be considered hours worked for the purpose of calculating eligibility for overtime. The Leave Committee's determinations of what constitutes excessive leave, and whether a particular fire fighter has used excessive leave, are final, and not appealable, or grievable, by the Chief, the Association or the affected fire fighter.

Employees that are identified as using excessive leave will be re-assigned by the Chief, or designee, to vacation relief. The VR status will begin the first pay period in August from the July query and the first pay period in February for the January query. The VR status will continue until he/she is not identified by a subsequent sick and family leave query or determined by committee to not have used excessive leave.

Personnel no longer determined as using excessive leave by the next query or by the Leave Committee will be allowed to immediately request available assignments or bid for regular assignments during the next available bid cycle. Assignments for these personnel will follow the same process as all other VR personnel.

AGREED:

RUDY JACKSON
FIRE CHIEF

(Date)