

**RESOLUTION AMENDING ARTICLE III OF THE PERSONNEL RESOLUTION OF
THE CITY OF WINSTON-SALEM REGARDING VACATION AND SICK LEAVE
ACCRUALS**

WHEREAS, the City of Winston-Salem Personnel Resolution (“Personnel Resolution”) contains policies regarding Benefits; and

WHEREAS, Fire Department employees assigned to a 56-hour schedule (“Fire Department employees”) work forty percent (40%) more hours than an employee paid on a 40-hour schedule; and

WHEREAS, City policy refers to accrual rates based on the number of days per year; and

WHEREAS, work schedules for full-time City employees include but are not limited to: eight (8) hours per day, ten (10) hours per day, twelve (12) hours per day and twenty-four (24) hours per day; and

WHEREAS, Fire Department employees currently earn sick and vacation leave at a rate of twenty-four (24) hours per day while all other full-time employees earn sick and vacation leave at a rate of eight (8) hours per day; and

WHEREAS, vacation and sick accrual rates for Fire Department employees are more than double the accrual rates earned by other City employees when compared to the percentage of annual hours worked; and

WHEREAS, the proposed changes will adjust Fire Department sick leave accrual rates to the same levels (equal to 12 hours per “day”) that were in place prior to adoption of Resolution #2015-708; and

WHEREAS, the proposed changes will adjust Fire Department vacation leave accrual rates to the same levels that were in place prior to the administrative changes that were implemented when Council adopted Resolution #2015-708 that adjusted sick leave accruals; and

WHEREAS, the proposed changes to accrual rates will bring accrual rates for Fire Department employees more in line with those of other City employees as a percentage of annual hours worked.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Winston-Salem City Council that the Personnel Resolution is amended as follows:

Section 1: Article III Benefits. Section 44 Leave of Absence (a) Vacation Leave, is hereby amended to read as follows:

“Sec. 44. Leave of absence.

(a) *Vacation leave.*

(i) *General policy.* Each full-time employee accumulates vacation leave with pay at the rate of ten (10) days per year. One (1) week of paid vacation may be taken after the completion of the first six (6) months of employment. After the initial six-month waiting period, employees begin accruing vacation leave at the annual rate, prorated on a bi-weekly basis. Another week of paid vacation may be taken at the end of one (1) full year of continuous service. Upon the completion of two (2) continuous years of service, each full-time city employee accumulates twelve (12) days' vacation per year. Upon the completion of five (5) continuous years of service, each full-time city employee accumulates fifteen (15) days' vacation per year. Upon the completion of ten (10) continuous years of service, each full-time city employee accumulates eighteen (18) days' vacation per year. Upon the completion of fifteen (15) continuous years of service, each full-time city employee accumulates twenty (20) days' vacation per year. Upon the completion of twenty (20) or more continuous years of service, each full-time city employee accumulates twenty-four (24) days of vacation per year. Effective January 1, 2026, vacation for Fire Department employees assigned to a 56-hour schedule will be accrued at the rate of 12 hours per “day”.

An eligible employee may choose to substitute accrued paid vacation leave for unpaid leave in all situations covered by the Family and Medical Leave Act (FMLA). In the event of such substitution, the leave will be charged against both vacation leave and FMLA leave. Regular vacation leave (non-FMLA leave) will be scheduled so as to accommodate the operational requirements of the city and insofar as possible, the preference of the employee.

At the end of any calendar year beginning December 31, 2013, accrued unused vacation in excess of ~~thirty (30) days~~ 240 hours shall be converted to sick leave on a one-for-one basis. Fire employees assigned to a 56-hour work schedule can accrue up to 720 hours of unused vacation at the end of calendar year 2025; effective January 1, 2026, their maximum vacation accrual balance will be 360 hours at the end of each calendar year.

(ii) *Adjustments to vacation accrual rates.* Effective October 1, 2022, newly hired employees shall be eligible for an adjustment to seniority for purposes of vacation leave accrual rates. At the time of hire, the city manager or their designee may approve adjusting the vacation accrual rate of such employee subject to this provision to match the employee's existing service in the North Carolina State Retirement System including the Local Governmental Employees' Retirement Systems (LGERS), the Teachers' and State Employees' Retirement System (TSERS) and any other North Carolina retirement system for local government employees. The adjusted vacation accrual rate will be effective after the first six-months of employment unless otherwise approved by the city manager. This does

not apply to years of creditable service in closed or withdrawn accounts. The city manager may implement a policy to manage the provisions of the adjusted seniority program. Effective January 1, 2023, the city manager has the authority to adjust vacation accrual rates for current employees hired before October 1, 2022 to match the employee's existing service in the North Carolina State Retirement System including the Local Governmental Employees' Retirement Systems (LGERS), the Teachers' and State Employees' Retirement System (TSERS) and any other North Carolina retirement system for local government employees and to apply said adjusted vacation accrual rate prospectively. The city manager does not have the authority to apply the adjusted accrual rate retroactively and the same may only be applied prospectively.

(iii) *In-service vacation payout.* Full-time and part-time employees certified for benefits are eligible to receive up to two (2) annual vacation payouts from accrued vacation time while in active service status without being out of work. In-service vacation payouts must be taken in increments equaling one (1) full, regular week of the employee's schedule, not to exceed forty (40) hours per week or fifty-six (56) hours per week for Fire Department employees on a 56-hour schedule. However, the employee can request a payout of two (2) full work weeks, not to exceed forty (40) hours per week or fifty-six (56) hours per week for Fire Department employees on a 56-hour schedule, with one (1) request which will count as two (2) requests, for purposes of the policy, in the year in which the request is made. In-service payouts may not be combined across calendar or fiscal years. There must be a separation of twelve (12) months between the last in-service vacation payout in one (1) calendar or fiscal year and the next calendar or fiscal year. In-service vacation payouts shall be issued in addition to any hours worked for the pay period in which the payout is issued. Vacation hours credited to the pay period for the purposes of in-service vacation payout will not impact an employee's hours worked for that pay period and will not be included in overtime rate calculations for non-exempt employees. In-service vacation payouts shall be issued less applicable taxes based on the employee's current withholding status and other authorized and/or mandated deductions. The city manager is authorized to implement an administrative policy to manage the in-service vacation payout program.”

Section 2: Article III Benefits. Section 44 Leave of Absence (b) Sick Leave, is hereby amended to read as follows:

“Sec. 44. Leave of absence.

- (b) *Sick leave.* Each full-time employee will accumulate sick leave at the rate of one (1) workday with full pay for each month of service. Sick leave with pay may be used for absences necessitated by injury or illness of the employee or of a member of the employee's immediate family (father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandchild, father-in-law, mother-in-law, or parental guardian); maternity related illness or injury; birth of a child; adoption of a child; placement of a child for foster care; required dental care; exposure to contagious

diseases; and visits to various medical professionals. Sick leave with pay may also be granted in the case of death of a member of the employee's immediate family. To be eligible for sick leave with pay, an employee must promptly report to the supervisor and/or department head the reason for the absence; keep the supervisor and/or department head informed on an agreed upon schedule of the employee's condition; and permit and agree to any medical examination and/or certification which the city may consider necessary. Claiming sick leave under false pretenses shall be cause for disciplinary action. For certified members of the fire department who are assigned to a fifty-six-hour work week, effective January 1, 2026, sick leave shall be accrued at a rate of twelve (12) hours per workday ~~one (1) twenty-four hour workday with full pay and charged when absent from regularly scheduled duty for sickness at the rate of one (1) day for twenty-four (24) hours shift missed.~~ For certified members of the fire department who are assigned to a forty-hour work week, sick leave shall be accrued at a rate of ~~one (1) eight hours per workday with full pay and charged when absent from regularly scheduled duty for sickness at a rate of one (1) day for eight (8) hours shift missed.~~

Employee may choose to substitute paid sick leave for unpaid FMLA leave in situations covered by both policies. In the event of such a substitution, the leave will be charged against both sick leave and FMLA leave.

The city manager or his designee shall have the authority to approve the advancement of sick leave to employees who are confronted with a major illness or injury and who have exhausted all accrued paid leave. All advanced sick leave shall be restored to the city by the employee through normal accrual upon the employee's return to work. Irrespective of the foregoing, the city manager for reasons related to a serious health outbreak that impacts the nation (such as COVID-19) may approve the advancement of sick leave even if the employee has not exhausted all accrued paid leave. Depending upon the ~~COVID-19 related~~ circumstances, the city manager may waive the restoration requirement. The city manager shall implement a policy to carry out the provisions herein. Upon separation, any remaining advanced sick leave shall be charged against the employee's accrued leave balances, unless waived by the city manager.

Employees are required to specify in reporting their hours worked and absences from work whether their use of sick leave is for:

- (1) Personal sickness or accident disability; or
- (2) Sickness in the family; or
- (3) Death in the family.

Employees choosing to substitute paid sick leave for unpaid FMLA leave as allowed by the FMLA must designate absences from work as both sick leave and FMLA leave. Supervisory personnel shall be responsible for seeing that ~~time cards~~ timecards are accurately filled out to reflect the employee's use of sick leave as specified above.

Employees shall not be paid for any accrued and unused sick leave upon separation from employment. Unless otherwise provided, accrued and unused sick leave shall be

reinstated when an employee returns from authorized leave without pay or when reinstated within five (5) years from any type of separation.

A new employee, who is employed by the city in a full-time position, with benefits, and who comes to the city directly from a local or state government organization who is a member of either the North Carolina Local Government Employee Retirement System including law enforcement officers, legislative, judicial, teachers' or state employees' retirement system, may have his/her sick leave balance transferred to the city. Upon employment with the city and with proof of prior, eligible sick leave balance, the employee will be immediately credited with his/her prior sick leave balance. This provision applies only to prospective employees that are hired after the effective date of this subsection.

In accordance with G.S. 160A-164.1, full time firefighters, police officers, and other employees identified as first responders shall be allowed to use sick leave for any adverse medical reaction resulting from said employee receiving an employment vaccination against ~~small-pox~~ smallpox pursuant to section 304 of the Homeland Security Act. If anyone of said employees has an adverse medical reaction to an employment vaccination against ~~small-pox~~ smallpox or becomes infected with small pox or with vaccinia, said employee shall be treated as any other employee with a compensable occupational disease under the North Carolina Worker's Compensation Act.”

Section 3. Except where indicated otherwise within the body of this resolution, amendments made under this Resolution shall become effective the beginning of the first pay period following July 1, 2025.