

12.0 - LEAVE POLICIES

12.1 – Purpose – Leave is credited to employees of the City for the purpose of rest and relaxation, for necessary absence due to illness or injury of the employee or a member of the immediate family, for military duty, for death in the immediate family of an employee, and for the purpose of securing training and education. Requests for leave may be obtained by all regular, probationary, non-exempt, and exempt employees of the City, by submitting a completed Leave Slip Application to their immediate supervisor.

12.2 – Types of Leave

12.2.1 – Pre-approved Sick – accepted by supervisor and agreed.

12.2.2 – Non-pre-approved Sick – not agreed previously, however, hours will be paid to employee provided that the employee has Sick accrued hours.

12.2.3 – Pre-approved Annual – accepted by supervisor and agreed; reason not required.

12.2.4 – Non-pre-approved Annual – not agreed previously, however, hours will be paid to employee provided that the employee has Annual accrued hours.

12.2.5 – Floating Holiday – reason not required.

12.2.6 – Pre-approved Comp Time – reason not required.

12.2.7 – Non pre-approved Comp Time – not agreed previously, however, hours will be paid to employee provided that there is evidence to believe that the employee accrued the compensatory time.

12.2.8 – Administrative – see Rule 12.9.

12.2.9 – Supervisory Training – see Rule 12.9.1.

12.2.10 – Military – see Rule 12.8.

12.2.11 – No Pay – see Rule 12.10.

12.2.12 – Disability – see Rule 14.4.3.

12.2.13 – Bereavement – see Rule 12.6.

12.2.14 – Jury Duty – see Rule 12.7.

12.3 – Annual Leave – is credited to each employee annual leave account as accrued.

12.3.1 Annual Leave Earned – Employees accrue annual leave based on years of service with the City. For non-exempt employees, annual leave is accrued for compensable hours only. For exempt employees, annual leave is accrued for compensable leave days and working days. An employee who leaves the service of the City and later returns to work, will be treated as a new employee until such time that any prior service is restored under the provisions of the City retirement plan. Leave is granted to full time employees, reduced proportionally for those non-exempt employees who regularly work less than 40 hours per week.

Annual leave is accrued by all regular, probationary, and exempt employees of the City and is credited to individual annual leave accounts as accrued.

Bargaining unit employees will accrue annual leave in accordance with schedules specified in the applicable CBA.

Employees excluded from bargaining units will accrue annual leave as follows: 93 hours in the first year of employment, increasing up to 210 hours after 25 years, or as amended by the City Manager.

Exempt employees shall accrue and use leave on a daily basis rather than on hourly basis. Thus for the purposes of applying the provisions of Rule 12 to exempt employees and simplifying leave calculations, 8 hours of leave shall be equivalent to one day and 40 hours of leave shall be equivalent to one week regardless of the actual number of hours worked per day and/or per week by the exempt employee. Exceptions will be addressed by the Department Head through the Human Resources Director.

12.3.2 – Accumulation of Annual Leave – Since the purpose of annual leave is to provide a period of rest and relaxation, it is intended that annual leave be used each year and not accumulated. Therefore, the following restrictions are placed on accumulation of annual leave:

12.3.2.1 – Employees must use at least one (1) week of annual leave each year, except for new employees during the first year of employment. If the required one (1) week of annual leave is not used prior to the end of the last full pay period ending in September of each year, at the Department Head's discretion, the employee will be ordered to take annual leave within the next thirty (30) calendar days. Longer extensions may be granted by the Human Resources Director at the request of the Department Head.

12.3.2.2 – The maximum accrual of annual leave for employees excluded from bargaining units is 300 hours. When an excluded employee exceeds the 300 hours of accrued annual leave and when the excluded employee is unable to use the excess annual leave due to extenuating circumstances, the City Manager may provide an extension for up to sixty (60) days. The maximum accrual of annual leave for bargaining unit employees shall be in accordance with the CBAs. Calculation of hours shall be completed before any transfer of sick leave to annual leave takes place. (See RULE 12.3.2). The restriction in number of hours that may be accumulated does not apply to excluded employees who have reached normal retirement age and are eligible to retire.

12.3.3 – Payment for Annual Leave

12.3.3.1 – Excluded Employees - Employees excluded from bargaining units may request payment of accrued and earned annual leave, up to a maximum of 60 hours, one time per fiscal year, at the employee rate of pay at time of request.

12.3.3.2 –Bargaining Unit Employees - Bargaining unit employees may receive payment of accrued annual leave in accordance with the applicable collective-bargaining-agreement.

12.3.3.3 – Upon Separation - Upon retirement, resignation, or dismissal, an employee will receive payment for unused accumulated annual leave at the rate of pay in effect at time of separation. Upon death of an employee, payment will be made to the beneficiary or to the estate.

12.3.4 – Use of Annual Leave – Annual leave is accrued from the commencement of employment; however, no annual leave may be used until the employee has completed a minimum of six months' continuous employment. Leave may be taken to the extent that it is earned or credited to the employee for the current fiscal year only with the prior

approval of the Department Head, upon written application by the employee. No annual leave may be taken that will not be earned in the current fiscal year unless advance annual leave is recommended by the Department Head and approved by the Human Resources Director.

12.3.4.1 – Annual Leave Charge – The normal minimum annual leave charge for non-exempt employees is one-half hour. The normal minimum annual leave charge for exempt employees is one day (8 hours). The above provision for exempt employees can be waived at the discretion of the Department Head and one-half day (4 hours) may be taken when an exempt employee works less than four (4) hours in one day. No charge shall be made for holidays occurring during an absence of an employee on approved annual leave.

12.4 – Sick Leave – Sick leave is accrued by all regular, probationary, non-exempt and exempt employees of the City and is credited to individual sick leave accounts as accrued.

12.4.1 – Sick Leave Earned Excluded Non-exempt – Excluded non-exempt employees will accrue sick leave, on an hourly basis. This applies only to compensable hours. Employees who come in to work and leave home sick at any time during the workday will be charged for sick hours.

12.4.2 – Sick Leave Earned Exempt – Exempt employees will accrue sick leave on a daily basis, for working days only and may take it in half day increments. Employees who come in to work and leave home sick before the first four (4) working hours will be charged for four (4) sick hours. Employees who come in to work and leave home sick after four (4) worked hours will be paid the full day as if worked.

12.4.3 – Transfer of Sick Leave to Annual Leave – An employee who has more than 96 hours (12 days in the case of an exempt employee) of sick leave accrued at the end of a fiscal year, may transfer that portion of the first 64 hours (8 days in the case of an exempt employee) of sick leave to annual leave, accrued and unused during the year. This transfer will not be made if by so doing the balance of sick leave account would be reduced to less than 88 hours (11 days in the case of an exempt employee). The transfers will be effective on the last day of the last full pay period ending in September of each year.

12.4.4 – Accumulation of Sick Leave – Sick leave may be accumulated in each sick leave account to a maximum of 512 hours (64 days). Sick leave credits in each account will be reduced to the maximum at the end of the last full pay period ending in September of each year. Employees included in bargaining units will accumulate sick leave in accordance with the appropriate CBA.

12.4.5 – Sick Leave in Excess of Maximum Accumulation – That portion of sick leave in excess of the maximum permitted in each sick leave account will be transferred to and deposited in the Sick Leave Trust Fund. These deposits will be made at the end of the last full pay period ending in September of each year and will be credited in dollar amounts based upon the rate of earnings of the employee as of the date transferred and deposited in the Sick Leave Trust Fund. Funds deposited in the Trust Fund earn no interest and can be withdrawn only under the following circumstances.

12.4.5.1 – Upon retirement from the City in accordance with provisions of the

Coral Gables Retirement System, the employee will be paid the sum of money credited to the Sick Leave Trust Fund.

12.4.5.2 – Upon death of an employee, while actively employed or on approved leave of absence, the named beneficiary of an employee or estate will be paid the sum of money credited to the Sick Leave Trust Fund.

12.4.5.3 – Where an employee has exhausted all sick leave and is still unable to return to work because of sickness or injury, as certified by a physician, the employee may draw upon funds in the Sick Leave Trust Fund account of the employee upon recommendation of the Department Head, the Human Resources Director and approval of the City Manager. These withdrawals shall be at a rate not to exceed the normal rate of pay of the employee, and amounts withdrawn may not be repaid to the fund by the employee.

12.4.6 – Advanced Sick Leave – Advanced sick leave will not be authorized.

12.4.7 – Leave Donation – Regular employees will have the opportunity to donate accrued leave time to a designated employee whenever extraordinary circumstances require the designated employee to be absent from work due to an extended, non-work related illness or injury, that is of a life threatening nature and when the designated employee has exhausted all earned leave. Once leave is donated to an employee, the leave belongs to the recipient and should be used either paid as salary or in final payout. For bargaining unit employees, leave donation requests shall be in accordance with the applicable CBA.

12.4.8 – Payment for Sick Leave at Time of Separation – There will be no payment, regardless of circumstances, for unused sick leave in a sick leave account at time of separation for reasons other than death or retirement.

Upon death or retirement of an employee, the employee or beneficiary, as applicable, will receive payment for the hours remaining in the individual's sick leave account of unused sick leave in accordance with the appropriate formula. The formulas for bargaining unit employees are outlined in the applicable CBA. Excluded employees will use the following formula:

Less than 6 years of credited service	0%
6 through 10 years of credited service	25%
Over 10 years of credited service	100%

Payment shall be made at the rate earned by the employee at the time of death or retirement.

12.4.9 – Use of Sick Leave – Sick leave is provided so that employees will have economic security when prevented from working because of illness or accident. Sick leave should not be used until the employee has completed a minimum of six month's continuous employment. It is not an automatic entitlement to days off with pay. The minimum charge for sick leave for non-exempt employees shall be one-half (1/2) leave hour. Exempt employees may take sick leave only in a minimum of one half day (4 hours) increments. Sick leave may be used for:

12.4.9.1 – Illness, injury, incapacitation, or quarantine of the employee except as the result of a service connected injury or accident.

12.4.9.2 – Routine medical, dental, or optical examinations which cannot be scheduled at any time other than during working hours.

12.4.9.3 – Illness or injury of a member of the immediate household of an employee requiring the personal care and attention of the employee may be used at the approval of the Human Resources Director in accordance with the provisions of the Family Medical Leave Act.

12.4.10 – Request or Advisement of Sick Leave – Any employee who wishes to use sick leave in advance must advise the Department Head or designated representative no later than 4 or more hours before the end of the shift prior to the requested day of leave. The employee shall furnish the reason for the absence, expected duration, and location during the absence.

12.4.11– Investigation of Use of Sick Leave

12.4.11.1 – The City may take any reasonable measures to strictly administer and enforce the sick leave policies in a manner as to eliminate abuse of the sick leave privilege.

12.4.11.2 – Medical certificates shall accompany written requests for sick leave in excess of three (3) work days. However, in the event that the Human Resources Director or the Department Head determines that there is reason to believe that an employee requesting sick leave for an absence of less than four (4) days is abusing the privilege of sick leave, the Human Resources Director or the Department Head shall have the right to require acceptable proof of illness for the period of absence. Proof must be in the nature of a medical certificate. In cases where proof of illness is required, failure to provide the proof may result in the sick leave request being denied and the period of absence being considered non-compensable time.

12.5 – Records of Annual and Sick Leave – All records of annual and sick leave earned, used, and accumulated balances shall be maintained under the supervision of the Finance Director. It is the responsibility of each Department Head to report the use of leave at such time and on such forms as may be required by the Finance Director and the Human Resources Director. No employee may receive annual or sick leave with pay unless the Finance Director, Human Resources Director or designated representative certifies that the employee is eligible to receive such leave.

12.6 – Bereavement Leave – Regular employees excluded from the bargaining units may be allowed up to ten (10) work days of bereavement leave with pay in the event of the death of the current legal spouse, mother, father or the son or daughter of the employee, whether natural, adopted or step. Up to five (5) work days shall be allowed for the death of any other immediate family members or any other relative living in the same household.

Immediate family is defined as mother, father, sister, brother, grandmother, grandfather, mother-in-law, father-in-law, sister-in-law and brother-in-law, latter two categories defined as sibling of spouse only or other relative living in the employee household. This maximum leave is

to apply whether the funeral is held in or outside the State of Florida. Proof of the death shall be required. Annual leave or compensatory time may be used upon the death of a relative not listed or if the employee needs additional time off. All bereavement leave is to be taken on consecutive work days and must start no later than five (5) days after the death occurs.

12.7 – Jury Duty Leave – Employees who are summoned to jury duty by a court of competent jurisdiction will be granted time off with pay. Any employee who is released from jury duty and has a half a day or more of regularly scheduled work time remaining shall report to work as soon as possible. Proof of time served on jury duty shall be required.

12.8 – Military Leave – Employees shall be granted military leave in accordance with the Uniformed Services Employment & Reemployment Rights Act of 1994 (USERRA), as amended, and Chapter 115, Florida Statutes. The following provisions will be observed:

12.8.1 – Employees who are called to active duty for training with a unit of the United States Armed Forces will receive military leave with pay for up to 240 working hours (30 work days) every calendar year.

12.8.2 – Employees shall be granted military leave to perform active military service, as that term is defined in Florida Statutes Section 115.08. The first 30 days of any period of military leave for active military service shall be with pay and the remainder of the period shall be without pay, unless otherwise provided by City Commission.

12.8.3 – Employees who perform service in the uniformed services, as defined USERRA, will receive all rights and benefits for which eligible under the Act.

12.9 – Administrative Leave – Employees may be granted administrative leave with pay for the following purposes:

12.9.1 – Attendance at training programs, seminars, meetings or conventions where such are determined to be in the best interest of the City as recommended by the Department Head, subject to approval of the City Manager.

12.9.2 – Appearance in court as a witness on behalf of the City, with or without a subpoena. Court appearances or subpoenas received by the employee other than on behalf of the City, are not eligible for administrative leave.

12.9.3 – Employees covered by Teamsters, Local 769, and excluded personnel who have not used sick leave, leave without pay, or have not lost time due to an on-the-job injury for a specified 6-month period are entitled to eight (8) hours of administrative leave to be used by a specific date announced by the Human Resources Director.

12.9.4 – Employees covered by the FOP who have not used sick leave for a specified 6-month period are entitled to eight (8) hours of administrative leave to be used by a specific date announced by the Human Resources Director.

12.10 – Leave Without Pay

12.10.1 – Any employee may be granted up to two weeks' leave without pay by the Department Head for any acceptable reason.

12.10.2 – Any regular or exempt employee may be granted up to six months' leave for the following:

12.10.2.1 – For the purpose of training or education which will be of benefit to the department.

12.10.2.2 – For a purpose in accordance with and pursuant to the City's Family and Medical Leave policy.

12.10.2.3 – For the betterment of the City.

12.10.3 – Leave without pay taken for extended illness or personal disability can only be taken when an employee has exhausted all accrued sick and annual and if deemed appropriate by the Human Resources Director.

12.10.4 – Procedures for requesting a Leave Without Pay include the completion of a Leave of Absence Form or any other forms as may be required by the Human Resources Director. Documentation is required.

12.10.4.1 – For illness or disability, a physician statement is required, stating the nature of the illness or disability, the approximate beginning and ending dates of the illness or disability, and knowledge of the duties of the employee. (Refer to RULES 12.10 for further information).

12.10.4.2 – For training or education, a course schedule is required.

12.10.4.3 – Approvals are required from the Department Head, the Human Resources Director and the City Manager for all leaves without pay in excess of two weeks.

12.10.5 – Return to Work Procedures – After an extended illness, proper clearances from the employee's physician are required which verify that the employee is medically able to work and perform the regular duties of the employee. The City reserves the right to send the employee, at any time, to a physician of its choice to request a second opinion. The opinion of the City physician shall be controlling.

12.10.6 – Employees on a No Pay Status shall not accrue Sick Leave or Annual Leave and are not eligible for holidays.

12.10.7 – Employees on no pay status shall not accrue seniority. (Except employees on a no pay military leave of absence (USERRA), or who are on leave pursuant to the FMLA).

12.10.8 – When an employee is on a no-pay status for more than thirty (30) days, the anniversary date of the employee will be adjusted to reflect the number of days the employee was out on no-pay status, except for employees who are on leave pursuant to the FMLA or military leave.

12.11 – Family and Medical Leave - The terms of this family/medical policy shall be interpreted and governed by the Family and Medical Leave Act of 1993, as amended, and/or the Miami-Dade County Family Leave Ordinance.

12.11.1 – All employees who have been employed with the City of Coral Gables for twelve (12) months, and have actually worked at least 1,250 hours prior to commencement of the leave are eligible for twelve (12) weeks unpaid leave-for any of the following reasons:

12.11.1.1 – To care for the employee's child after birth, or after placement for adoption or foster care;

12.11.1.2 – To care for the employee's spouse, or child under age 18 or over age 18 if physically or mentally disabled, or parent (not parent-in-law), who has a serious health condition; or for grandparent for whom the employee has financial responsibilities. An employee's "child" is one for whom the employee has responsibility for the actual day-to-day care and includes a biological, adopted, foster or stepchild.

12.11.1.3 – For the employee's own serious health condition that makes the employee unable to perform the functions of his/her position. Own serious health condition that may involve: inpatient care, absence of three (3) consecutive calendar days for continuous treatment by a health care provider, chronic or long term health condition treated by a health care provider and, any period of incapacity due to pregnancy or pre-natal care authorized by a health care provider.

12.11.1.4 – To care for a spouse, son, daughter, parent or next of kin relative, or covered military service personnel who is recovering from a serious illness or injury sustained in the line of duty while on active duty.

12.11.1.5 – For any "Qualifying Exigency" when the spouse, son, daughter or parent is a member of the National Guard or Reserves and has been notified of an impending call to active duty status in support of a contingency operation.

12.11.1.5.1 – A "Qualified Exigency" is considered: short notice deployment, military events/activities, child care activities, financial and legal arrangements, counseling rest and recuperation post deployment activities and additional activities that arise out of the deployment of active duty, provided the City and the employee agree.

12.11.2 – Employees who have used up to the 12 or 26 workweeks will not be entitled to any additional time under the FMLA until the following year from which the initially started their leave, provided they have worked the 1,250 hours required in the previous year and completed an updated Certification of Health Care Provider Form.

12.11.3 - For family/medical leaves related to medical conditions, all accrued annual and sick leave must be applied.

12.11.4 – For family/medical leaves related to care for newborn, adopted or foster children, accrued annual leave must be applied. Use of accrued sick leave for this type of family/medical leave is not a requirement, but may be allowed if the employee chooses to do so. Employees will be entitled to a maximum of one hundred and eighty (180) days of maternity leave, which shall run concurrently with FMLA.

12.11.5 – Employees requesting family/medical leave must provide to the Department Head and to the Human Resources Director a memorandum explaining why the leave is necessary and complete the appropriate forms available on the City’s Intranet or, as required by the Human Resources Director. At least thirty (30) days advance notice of intent to take family/medical leave is required where the leave is foreseeable (e.g., pregnancy, adoption, planned surgery). If the need for family leave is not foreseeable, notice of needed leave must be reported to the Department Head and the Human Resources Director within 48 hours from the date the employee is aware that family/medical leave is necessary.

12.11.6 – Employees requiring leave for treatment of a serious health condition, or to care for a parent, spouse, child or grandparent with a serious health condition, may be required to obtain medical certification of the condition, and may be subject to a second (or third) opinion at the City’s expense. Employees on family/medical leave because of a personal serious health condition will be required to produce a fitness for duty report from the employee’s treating physician before returning to work.

12.11.7 – Health care coverage will be continued for employees on family/medical leave, provided the employee continues to make premium contributions as required under normal circumstances.

12.11.8 – Employees returning from a family/medical leave of absence within the time allotted under the FMLA, will be returned to original or an equivalent position as provided under the Family and Medical Leave Act of 1993, as amended, and/or the Miami-Dade County Family Leave Ordinance.

12.11.9 – An employee who fails to return from FMLA may be terminated in accordance with applicable laws, other leave-related policies and/or appropriate collective-bargaining agreement.

12.12 – Domestic and Sexual Violence Leave – The City provides domestic and sexual violence leave in accordance with the Miami-Dade County Domestic Leave Ordinance (Chapter 11A-60 *et. seq.*) and Section 741.313, Florida Statutes.

12.12.1 - Domestic and Sexual Violence Definitions

12.12.1.1 - Domestic Violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence, and any act as defined in Florida Statutes §§741.28, 784.046, and 784.048.

12.12.1.2 - Sexual Violence means sexual violence, as defined in Florida Statutes § 784.046, or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence. Florida Statutes § 784.046 defines “sexual violence” to mean any one incident of: (1) sexual battery; (2) a lewd or lascivious act, committed upon or in the presence of a person younger than 16 years of age; (3) luring or enticing a child; (4) sexual performance by a child; or (5) any other forcible felony wherein a sexual act is committed or attempted,

regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

12.12.2 – Family or Household Member - Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. Except for persons who have a child in common, the family or household member must be currently residing or have in the past resided together in the same single dwelling unit.

12.12.3 – Victim - Victim means an individual who has been subjected to domestic or sexual violence.

12.12.4 – Reasons for Leave - Domestic or sexual violence leave may be taken for one or more of the following:

12.12.4.1 – To obtain and receive legal assistance relating to domestic, sexual or repeat violence, including but not limited to, criminal prosecution, protective order, injunction for protection, divorce, custody of children, and child support.

12.12.4.2 – To obtain medical and/or dental assistance for a medical and/or dental problem resulting from domestic, sexual or repeat violence, including obtaining such services for the employee’s family or household member.

12.12.4.3 – To attend counseling or support services relating to domestic, sexual or repeat violence, including counseling or support services for dependent children.

12.12.4.4 – To make the employee’s home secure from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator.

12.12.4.5 – To attend court appearances relating to domestic, sexual or repeat violence, including but not limited to, criminal prosecution, protective order, injunction for protection, divorce, custody of children, and child support.

12.12.4.6 – To make any other arrangements necessary to provide for the safety and well-being of an employee subject to domestic, sexual or repeat violence.

12.12.5 – Request for Leave

12.12.5.1 - An employee seeking domestic or sexual violence leave must provide the City with written notice of his or her request for leave. Except in case of imminent danger, an employee must submit the “Domestic and Sexual Violence Leave Request Form” to the Human Resources Director for approval. If the need for leave is not foreseeable, the employee must provide notice (verbal or written) as soon as is practicable under the facts and circumstances of the particular case and in accordance with his or her department’s procedures for unforeseeable absences.

12.12.5.2 - A request for domestic violence or sexual violence leave must be supported by certification or other documentation issued by an authorized person such as a health care provider, attorney of record, social worker, counselor, law

enforcement agency, clergy, domestic violence advocacy agency, domestic violence center or domestic violence shelter. The certification or documentation will be sufficient if it indicates that the employee or the employee's family or household member is being or has been subjected to domestic violence or sexual violence (as defined in this policy) and that the employee needs time off to attend to one of the matters listed in Rule 12.12.4 above.

12.12.6 – Duration of Leave

12.12.6.1 - Domestic Violence Leave:

An employee who has been employed by the City for at least ninety (90) days and for at least 308 hours of service during the previous ninety (90) days is eligible for a maximum of thirty (30) work days of unpaid domestic violence leave per twelve (12) month period.

An employee who has been employed by the City for three (3) or more months, but has not had at least 308 hours of service during the previous 90 days is eligible for a maximum of three (3) work days of unpaid domestic violence leave per twelve (12) month period.

12.12.6.2 - Sexual Violence Leave: An employee who has been employed by the City for three (3) or more months is eligible for a maximum of three (3) work days of unpaid sexual violence leave.

12.12.6.3 - The twelve (12) month period for determining whether the thirty (30) or three (3) day entitlement has been exhausted is based on a rolling twelve (12) month period measured backward from the first date of leave.

12.12.6.4 - An employee may take domestic or sexual violence leave for consecutive days or intermittently or on a reduced schedule basis.

If an employee who is eligible for a maximum of thirty (30) days of domestic violence leave requests an intermittent leave or reduced schedule basis leave that is foreseeable based on a planned schedule, the City may require that employee transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits, and better accommodates recurring periods of leave.

12.12.7 – Use of Accrued Paid Leave Time

12.12.7.1 - If an employee is eligible for a maximum of thirty (30) days of domestic violence leave (i.e., employed by the City for at least ninety (90) days and for at least 308 hours of service during the previous ninety (90) days), the employee must exhaust all accrued paid annual leave and floating holidays prior to requesting domestic violence leave.

12.12.7.2 - If an employee is only eligible for a maximum of three (3) days of domestic violence leave (i.e., employed by the City for three (3) or more months, but not for at least 308 hours of service during the previous 90 days), the employee must exhaust all accrued annual leave, sick leave and floating holidays.

12.12.7.3 - Prior to requesting sexual violence leave, the employee must exhaust all accrued annual leave, sick leave and floating holidays.

12.12.7.4 - Based on the employee's individual circumstances, the City Manager, with the recommendation of the Human Resources Director, may waive these requirements.

12.12.8 – Information relating to the employee's leave under this policy must be kept confidential and is exempt from disclosure.

12.12.9 – Non-Retaliation - An employee may not be discharged, demoted, suspended, retaliated against or in any other manner discriminated against for exercising his/her rights under this policy. If an employee believes that he or she is being discriminated or retaliated against for exercising his/her rights under this policy, the employee must report the incident(s) to the Human Resources Director.

12.13 – Domestic Partnership – Domestic Partnership in accordance with Ordinance no. 2012-14.

12.13.1 - Definitions –

(a) "City employee" means any employee who is not included in the bargaining unit for collective bargaining purposes and any employee who is included in a bargaining unit whose collective bargaining representative has agreed to domestic partner benefits through the bargaining process.

(b) "Domestic Partner" means:

- (1) Individuals who are defined as such pursuant to the Miami-Dade County Code of Ordinances, Article IX, Sec. 11A-71(b), and who have registered the domestic partnership in accordance with Article IX, Sec. 11A-72 of the Miami-Dade County Code of Ordinances.
- (2) Individuals whose relationship has been formalized in another locality, state, or country through a marriage, civil union, domestic partnership, or the like that is authorized by law in that jurisdiction but that is not recognized under Florida law.

12.13.2 – Miami Dade County Registration and Termination of Domestic Partnership -

(a) Registration

In order to qualify for City of Coral Gables benefits, an employee must register the domestic partnership with Miami-Dade County Domestic Partners and must meet the following requirements to register with Miami-Dade County:

- (1) Each person is at least eighteen (18) years old and competent to contract;
- (2) Neither person is married under Florida law, a partner to another domestic partnership relationship or a member of another civil union;
- (3) They are not related by blood;
- (4) Each person considers himself or herself to be a member of the

immediate family of the other partner and to be jointly responsible for maintaining and supporting the registered domestic partnership.

- (5) Each person agrees to immediately notify the Consumer Services Department, in writing, if the terms of the Registered Domestic Partnership are no longer applicable or one (1) of the domestic partners wishes to terminate the domestic partnership.
- (6) The partners reside in the same primary residence.

(b) Termination

The City employee who terminates the domestic partnership must submit documentation as proof of such termination to the Human Resources Department within 15 business days of termination, such as:

- (1) A Declaration of Termination of Domestic Partnership issued by Miami Dade County; and/or
- (2) A document showing that the Domestic Partnership was terminated by law in another jurisdiction; and/or
- (3) A divorce decree authorized by law; and/or
- (4) A certified death certificate of the domestic partner; and/or
- (5) Other official documentation from a government entity indicating the termination of the domestic partnership.

12.13.3 – Extension of Benefits -

(a) Unless prohibited by federal or state law or the terms of a collective bargaining agreement, a City employee who has a domestic partner shall be eligible to use all forms of leave provided by the City including, but not limited to, bereavement leave, sick leave and family leave, to care for his or her domestic partner or the children or parents of the domestic partner, as applicable.

(b) A City employee who has a domestic partner shall be entitled to elect insurance coverage for his or her domestic partner or the children of such domestic partner in the same way any City employee may elect insurance coverage for his or her spouse or spouse's children. It is intended that domestic partners and children of domestic partners will be covered as dependents for purposes of health or any other form of insurance coverage in accordance with the terms of the insurance plan and the procedures established by such plan, unless such coverage is prohibited by federal or state law or the terms of a collective bargaining agreement. However, in no event may an employee make an election for coverage of a domestic partner more than two times in a plan year.

12.13.4 – Obtaining Benefits Fraudulently or Failing to Notify City of Termination of a Domestic Partnership -

(a) Any City employee who obtains or attempts to obtain benefits fraudulently or who fails to notify the City of any termination of the domestic partnership shall be subject to:

- (1) Recovery of any benefits improperly paid; and

(2) Disciplinary action, up to and including termination.

(b) The City may bring a civil action against either or both of the parties to the domestic partnership to recover any losses, including attorney fees, borne by the City as a result of such actions.

12.13.5 – Procedure to Request Benefits – Employees shall submit the “Domestic Partnership Form” along with the approved Miami Dade County Domestic Partnership registration form (and/or any other document as indicated in section 12.13.1) to the Human Resources Director for review and approval. Benefits shall not be granted until approval is provided by the Human Resources Director.