



Policy: 2019010

Date in Effect: 03/19/19

Latest Revision: 03/19/2019

CIVIC DUTY LEAVE POLICY

It is the policy of the City of Findlay to promote employee involvement in the life of our City through community service and through appropriate leave to respond to certain governmental and administrative bodies or tribunals that might require an employee's attendance at a hearing or other proceeding. By establishing this Civic Duty Leave to encourage and in part to compensate for such involvement.

Nothing in this policy statement is intended to abrogate or to alter any rights any employee might have through applicable Civil Service Rules to collective bargaining agreements; or other rights guaranteed at law.

DEFINITIONS/LIMITATIONS

- A. CIVIC DUTY** means any call, summons or command to an employee from a unit of government or governmental agency or court or administrative tribunal (a committee or court that is convened to address a special issue) to demand an employee's appearance before or participation with the work of the body that calls the employee. The call must be an official one documented by a subpoena, summons, official orders or other official statement describing the nature of the employee's duty and the dates when the duty is to be performed.

- B. CIVIC DUTY LEAVE** is that period of time away from an employee's regular work necessary to conduct the business for which the employee was officially called and for which the City will permit or excuse the employee's absence.
 - 1. Paid Civic Duty Leave is that which the City of Findlay recognizes and for which the employee will be paid in whole or in part. Such leave includes:
 - a. Military duty leave that is mandatory. The employee will be paid according to applicable Federal or State Statute or current City Ordinance, whichever is greater.
 - b. Response to subpoena or summons issued by a court or administrative tribunal with authority to issue a subpoena or summons when the reason for the employee's involvement is related to his/her duty as an employee of the City of Findlay.
 - c. Jury Duty.

2. Unpaid Civic Duty Leave applies to certain kinds of civic duty not eligible for specific Paid Civic Duty Leave the City recognizes under the Policy Statement. In that case and employee may leave work with permission in order to answer the call to duty; but will be required to take other approved leave, as described in this Policy Statement at II (C), below.
3. Unpaid Civic Duty Leave, for which other approved leave is required includes:
 - a. Summons or subpoena to court or administrative tribunal that arise from the employee's personal business and not from the employee's work for the City. This includes court or administrative proceedings to which an employee is a party or to which the employee is called as a witness not related to the employee's work for the City.
 - b. Leave to campaign for ballot issues
 - c. Election polling place worker
 - d. Leave to respond to calls for service by volunteer fire or EMS services for which the City employee is a volunteer or paid employee
 - e. Leave to train for volunteer fire fighting or EMS services
 - f. Leave to attend discretionary military training
 - g. Leave to act as court-appointed special advocates or volunteer in-court advocates for recognized charitable school or religious organizations and for which leave is approved in advance by the Service-Safety Director.

C. NOTICE REQUIREMENTS

1. Scheduled leave
 - a. Any employee, who anticipates the need to take Civic Duty Leave, whether paid or unpaid, must notify his/her immediate Supervisor, in writing, within a reasonable time in advance of the date when such leave has been scheduled.
 - b. The employee must provide the date(s) when the Civic Duty Leave will occur
 - c. The employee must estimate the time during which he/she will be absent from work due to Civic Duty Leave
 - d. The employee must provide satisfactory written proof of the need to take Civic Duty Leave
 - e. In the case of Unpaid Civic Duty Leave the employee must indicate his/her choice of approved leave (comp time, vacation/holovac or unpaid leave)
 - f. Copies of the employee's request and proof of the need for such leave must be forwarded to the Division Head (Service-Safety Director) or the Director of Human Resources for inclusion with the employee's personnel file
2. Emergency Civic Duty Leave (unscheduled) is considered to be unpaid and is typically that which occurs in response to an emergency, such as volunteer fire fighting.

-
- a. Except in extreme circumstances, an employee may not leave work in response to an emergency civic duty issue. Permission to do so may only be granted by the applicable Division Head or his/her designee.
 - b. If a call for emergency civic duty occurs while an employee is off-duty and such call for civic duty might cause the employee to be late for his/her scheduled work shift for the City, the employee must telephone his/her immediate Supervisor as soon as is practical, indicating the reason for the employee's absence and the estimated duration of the emergency to which the employee has responded.
 - c. If the off-duty call to service extends more than one hour after the start of the employee's duty shift, the employee shall be permitted to indicate that he/she wishes to use comp time, vacation, holivac or unpaid leave.
 - d. The first hour of the late report will be paid as if the employee reported timely for duty.

D. Answering Calls for scheduled Unpaid Civic Duty Leave

1. For any Schedule Unpaid Civic Duty Leave and employee may leave work with permission of his/her immediate Supervisor; but the employee shall be required to take other approved leave including leave without pay, at the employee's request.
 - a. Such leave without pay does not require the Director of Public Safety or Service or Service-Safety Director approval; unlike other forms of unpaid leave (See Sick Leave policy statement).
 - b. An employee taking Unpaid Civic Duty Leave cannot be impeded from taking the leave, even if the employee's absence on Unpaid Civic Duty Leave results in a temporary shift manpower shortage.
 - c. Whenever an employee anticipates that he/she will be absent on Unpaid Civic Duty Leave he/she must notify his/her Supervisor as soon as possible in advance of the date of the anticipated leave.
2. If any employee answers on off-duty hours, a call to service that is among those which the City describes as unpaid and is thereby late to report to work, or does not report to work, the late report or absence shall not be subject to discipline (see Attendance policy statement) if the employee provides adequate proof of the call to service and its duration.

COMPENSATION FOR CIVIC DUTY LEAVE

- A. If the officially called Civic Duty Leave is scheduled during duty hours, the employee will be permitted to leave his/her duty post to attend to the Civic Duty and will be paid the regular hourly rate of pay for the time away from his/her duty station, minus the amount of the Civic Duty payment made to the employee by an entity other than the City for having performed his/her Civic Duty.

1. Payment for leave will be made upon the employee's presentation of a document (summons, subpoena, or other such document) signed by an officer of the court or other persons authorized to do so, indicating the date, time and duration of the employee's appearance in response to a summons, subpoena or other such document.
 2. The Department Head will determine the **authenticity** of the document as proof of Civic Duty Leave; and will sign the document approving it and retain such document for payroll purposes.
 3. Any witness fee that results from an employee's Civic Duty Leave during duty hours is to be endorsed and forwarded to the City Auditor within one business day after the employee receives payment.
- B.** If Civic Duty Leave is scheduled for an employee's off-duty time and the leave arises from his/her employment, the employee will be paid at the applicable overtime rate for the time when the employee is required to be on Civic Duty Leave. Overtime payment for off-duty Civic Duty Leave is documented and made in the same ways as payment for on-duty Civic Duty Leave.
- C.** Any employee who is on Military Duty Leave will be paid the maximum amount allowable under Federal or Ohio Statute or City Ordinance, whichever is greater

MILITARY DUTY LEAVE

Please refer to the current Salary Ordinance for provisions on Military Leave.

Director of Law Review

Human Resources Director

Mayor


Christina M. Murray