



## RESOLUTION 2023-04-26 (5)

**Date:** April 26, 2023

**To:** THA Board of Commissioners

**From:** April Black  
Executive Director

**Re:** Revision to THA Policy HR-35.01 Time Away From Work

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*This resolution would revise THA's Time Away from Work policy to allow staff more options to cash out accrued vacation.*

### BACKGROUND

THA's Time Away from Work policy includes language about employees' ability to cash out accrued vacation time. THA encourages staff to take time away from work and use vacation leave. Circumstances do not always allow staff members to fully utilize their leave and/or financial circumstances arise where a staff member would prefer to cash out leave. THA's current cash-out policy is restrictive. THA Policy HR-35.01 7.3.2 states:

*Employees may not carry over more than forty (40) days (320 hours) of vacation time from one calendar year to the next. In the event that unforeseen circumstances beyond the employee's control prevented them from taking vacation during the year, accrued time in excess of forty (40) days (320 hours) up to a maximum of five (5) days shall be cashed out as of December 31st of each year.*

*An employee whose salary is at or above the top of the salary range for his/her position may cash out up to eighty (80) hours of accrued vacation during each calendar year. An employee wishing to cash out accumulated vacation under this provision may do so once during each calendar year.*

This resolution would allow any staff member with more than 40 hours of accrued vacation to cash out as long as 40 hours remain available for use as vacation leave. There will be no restriction on the number of times a staff member may request a cash-out. The language in THA Policy HR-35.01 7.3.2 will be replaced with the following:

*Employees may carry up to forty (40) days (320 hours) of vacation time from one calendar year to the next. If an employee would prefer to cash out vacation leave, they may do so. The only restriction is that employees must still have 40 hours of leave available after completing a cash-out. (For example, an employee with 56 hours of accrued vacation may cash out up to 16 hours.)*

*Employees may not cash out sick leave, and there is no carry-over restriction for sick leave.*

A change to the policy will have a minimal impact on THA's finances. If a person were to leave THA, they would be paid 100% for their accrued vacation leave. Accrued leave is carried as a liability on THA's financials. The cost to THA would be the same if a staff member were to cash out vacation while working at THA or after leaving.

#### RECOMMENDATION

Authorize THA's Executive Director to revise THA's Policy HR 35.01 Time Away from Work.



**RESOLUTION 2023-04-26 (5)**

**(Revise THA's Policy HR 35.01 Time Away from Work)**

A **RESOLUTION** of the Board of Commissioners of the Housing Authority of the City of Tacoma

**WHEREAS**, THA may have circumstances where employees would prefer to cash out versus use accrued vacation time; and

**WHEREAS**, vacation leave is worth 100% upon an employee's exit from THA; and

**WHEREAS**, there is no financial impact to THA; now, therefore, be it

***Resolved by the Board of Commissioners of the Housing Authority of the City of Tacoma, Washington, as follows:***

Authorize THA's Executive Director to revise THA Policy HR-35.01 Time Away from Work.

**Approved: April 26, 2023**

A handwritten signature in blue ink, appearing to read "Shennetta Smith", written over a horizontal line.

**Shennetta Smith, Chair**



# TACOMA HOUSING AUTHORITY

<b>Policy No.</b>	HR-35.01
<b>Policy</b>	Time Away From THA
<b>Date</b>	April 26, 2023

## 1. Purpose

The Agency values the time, dedication and effort that each employee contributes to THA, THA's mission and vision, and the people we serve. In that regard, THA provides a robust offering of time off options to encourage and allow employees to reasonably balance work and personal life.

This policy describes the leave provided for holidays, religious holidays, floating holidays, vacation, bereavement, jury or witness leave, time off to vote, and unpaid leaves of absences for THA staff. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy. Medical and family leave options are described under *THA Policy HR-35.15 Family and Medical Leave*.

## 2. Sources for Policy

- ▶ *THA and OPEIU Collective Bargaining Agreement*
- ▶ *THA and Trades Collective Bargaining Agreement*
- ▶ *THA Policy HR-50.01 Employment Separation*
- ▶ *RCW 2.36.165 Leave of absence from employment to be provided*
- ▶ *WAC 296-126-092 Meal periods — Rest periods*
- ▶ *RCW 49.28.120 Employer's duty to provide time to vote*

## 3. Scope of Policy

This policy applies to THA staff according to their employment, FLSA, and union status.

## 4. Who is Responsible for Implementing Policy

Who	Responsibilities
<i>Human Resources Department</i>	<ul style="list-style-type: none"> <li>▶ to be sufficiently familiar with this policy and appropriate Collective Bargaining Agreements and to consistently apply this policy to all staff members;</li> <li>▶ to inform all new employees of these leave options;</li> <li>▶ to administer all leave policies and options;</li> <li>▶ to assist employees and supervisors in understanding and using their leave options.</li> </ul>
<i>Director of Finance</i>	<ul style="list-style-type: none"> <li>▶ to be sufficiently familiar with this policy and appropriate Collective Bargaining Agreements and to consistently apply this policy to all staff members;</li> <li>▶ to make all necessary adjustments in payroll and other activities and records resulting from employee use of benefits.</li> </ul>
<i>Supervisors</i>	<ul style="list-style-type: none"> <li>▶ to be sufficiently familiar with this policy and appropriate Collective Bargaining Agreements and to</li> </ul>

All Staff

- consistently apply this policy to all staff members;
- ▶ to support staff who use available leave for appropriate purposes to achieve a healthy work and life balance
- ▶ to authorize or deny leave options based upon legal requirements and the best interests of the department or agency;
- ▶ to contact the Human Resources Department with any questions regarding this policy
- ▶ to be sufficiently familiar with and abide by this policy and appropriate Collective Bargaining Agreements;
- ▶ to use leave options appropriately and honestly and for their intended purpose;
- ▶ to provide the appropriate notices, forms and/or certifications required by the policy governing the use of appropriate leave options.

**5. Definitions**

None

**6. Forms Associated with this Policy**

**7. Policy**

**7.1 Designated Holidays**

THA provides ten (10) paid designated holidays and two (2) floating holidays to staff scheduled to work forty (40) hours per week. Staff who work 24 or more hours per week will receive pro-rated benefits. Holiday pay is based upon the employee's base pay rate.

Each year, THA's Human Resources department announces the specific days on which designated holidays will be observed. Below is a table detailing these holidays.

1. New Year's Day	7. Labor Day
2. Martin Luther King Day	8. Veteran's Day
3. Presidents Day	9. Thanksgiving Day
4. Memorial Day	10. Day after Thanksgiving
5. Juneteenth	11. Christmas Eve
6. Independence Day	12. Christmas Day

Any holiday falling on a Saturday will be recognized on the preceding Friday. Any holiday falling on a Sunday will be recognized on the following Monday.

**7.1.1 Religious Holidays**

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her supervisor's approval, take the day off using a floating holiday, annual

leave or leave without pay. Employees should seek approval for such absences well in advance to ensure work coverage.

#### *7.1.2 Eligibility to Receive Designated Holiday Pay*

Full-time regular employees will receive eight hours of pay for the holiday. Part-time regular employees who are regularly scheduled to work more than 24 hours per week will receive holiday pay on a pro-rated basis. Part-time employees working less than 24 hours per week and temporary staff on any schedule do not receive holiday pay. Employees on a flex-time schedule should refer to *THA Policy HR-25.10 Working Hours* for holiday pay options. A designated holiday that occurs during the Probationary Period will be paid. Staff must work their normally scheduled work hours on the days immediately preceding and following the designated holiday.

Exception: If a staff member is absent on either or both of the days before and after a holiday with approved scheduled time off, they will receive holiday pay for the holiday. A staff member who is scheduled for work on a designated holiday and who fails to work that scheduled day will not receive holiday pay - except when a supervisor excuses such an absence for the staff member.

Staff who are obligated to annual military temporary training duty are fully eligible for all holidays.

#### *7.1.3 Holidays that Coincide with Certain Other Types of Absences*

Any holiday falling within the period of an employee's vacation will be considered as a paid holiday and will not be deducted from the employee's accrued vacation.

Any holiday falling within the period of an employee's sick leave will be considered as a holiday and will not be deducted from the employee's accrued sick leave.

Any holiday falling on an employee's regularly scheduled day off (within the work week) will be available to the employee as an additional floating paid day off subject to the approval of the employee's supervisor and must be used within the sixty (60) days following the observed holiday.

#### *7.1.4 Union Employees*

Employees covered by a collective bargaining agreement should refer to their contract for specifics on holidays.

## **7.2 Floating Holidays**

THA provides two (2) floating holidays each calendar year to staff scheduled to work forty (40) hours per week. Staff who work twenty-four (24) or more hours per week will receive pro-rated benefits. Newly hired employees will not be entitled to use floating holidays until after the successful completion of their probationary period. Staff who work fewer hours and temporary staff do not

receive floating holidays. Holiday pay is based upon the employee's base pay rate.

Eligible employees may choose their floating holidays during each calendar year as authorized by the supervisor. A supervisor has the option to authorize or deny the use of a floating holiday based upon the impact to normal department or agency operations. Floating holidays do not carry over from one calendar year to the next.

### 7.3 **Vacation**

Vacation leave is intended to provide paid time away from work to rest and relax. It is not a form of wages or other deferred compensation and is paid upon separation of employment only as provided in the applicable collective bargaining agreement and by *THA Policy HR 50.01 Employment Separation*.

#### 7.3.1 *Vacation Accrual*

Some represented staff members hold 'grandfathered' rights according to their respective Collective Bargaining Agreements. See the appropriate Collective Bargaining Agreements for specifics. For all other employees eligible to receive vacation time, the rate of vacation accrual, which may be adjusted from time to time, is as follows:

<b>Length of Service</b>		<b>Total Annual Vacation Days</b>
1)	Employees with 0 to 5 years service	14 days
2)	Employees with over 5 to 9 years service	16 days
3)	Employees with over 9 to 14 years of service	18 days
4)	Employees with over 14 to 20 years service	22 days
5)	Employees with over 20 years of service	24 days

Full-time regular employees will accrue these paid vacation days on a bi-weekly basis. Eligible part-time staff working more than twenty-four (24) hours per week shall accrue pro-rata vacation leave benefits. Staff working fewer than twenty-four (24) hours and temporary employees do not receive and are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay or during a workers compensation time-loss period.

Employees accrue vacation but are not eligible to use the accrued vacation until after the successful completion of their probationary period.

#### 7.3.2 *Carry-over and Cash-Out*

Employees may carry up to forty (40) days (320 hours) of vacation time from one calendar year to the next. If an employee would prefer to cash out vacation leave, they may do so. The only restriction is that employees must still have 40 hours of leave available after completing a cash-out. (For example, an employee with 56 hours of accrued vacation may cash out up to 16 hours.)

Employees may not cash out sick leave, and there is no carry-over restriction for sick leave.

Accrued but unused vacation will be paid out upon separation from employment according to the *THA Policy HR-50.01 Employment Separation*.

#### 7.3.3 *Vacation Approval*

All vacation leave shall be taken at a time mutually agreeable to the employee and his or her supervisor. THA reserves the right to deny requested vacation leave when such leave would interfere with operations or create an adverse impact on the completion of work. Especially during busy holiday seasons, THA urges employees to secure vacation approval well in advance of desired vacation days to allow for work coverage.

#### 7.3.4 *Vacation Usage*

Non-exempt-paid staff may use vacation time in increments of 30-minutes. Exempt staff may use vacation in full day increments only.

### 7.4 **Bereavement Leave**

All regular full-time employees and part-time employees regularly scheduled to work more than 24 hours a week will be granted up to four days off with pay in the event of a death in the employee's immediate family.

For purposes of this policy, immediate family member means spouse, registered domestic partner, father, mother, stepparent, mother-in-law, father-in-law, foster parent, brother, sister, stepchild, child, foster child, adopted child, child for whom the employee has parenting responsibility, grandparents, or grandchild of employee.

For the purpose of attending the funeral a maximum of one days' Bereavement Leave with pay may be granted for the death of son-in-law or daughter-in-law of the employee or the death of the employee's-spouse's or employee's registered domestic partner's foster parent, brother, brother-in-law, sister, sister-in-law, stepchild, child, foster child, grandparents or grandchildren.

This time off will be prorated for part-time employees. If an employee needs additional time off, they may use accrued leave or leave without pay subject to the approval of the employee's supervisor. When requesting bereavement leave, employees should inform their immediate supervisor of the deceased family member and the date of death. Proof of death and/or relationship may be required.

Temporary staff do not receive paid bereavement leave.

## **7.5 Jury or Witness Duty**

Employees who are required by law to render jury service will be granted paid time off during the period of jury duty. Staff scheduled to work part-time will receive prorated pay. Temporary workers will not receive paid leave for jury or witness duty.

Employees should notify their supervisor as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided upon request. Depending upon the significance of impact to the department and/or agency, the employee may request of his or her supervisor an excuse from meeting the obligations of a jury duty subpoena. In such cases, THA will provide documentation to the relevant court supporting the waiver request.

Employees should contact their supervisor for instruction as to whether to return to work if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on the circumstances, an employee may be required to return to work during such a period. An employee subpoenaed to testify in court related to his or her duties for THA will be granted paid time off for the period they serves as a witness.

Employees shall remit to THA any compensation they receive from the court for this duty except they may keep any court reimbursement for travel expenses. Temporary employees will be allowed to attend to jury duty; however they will not be eligible for jury or witness paid leave.

## **7.6 Time Off to Vote**

If an employee's work schedule on the day of an election does not provide the employee two free hours during the time the polls are open, THA will permit the employee to take a reasonable amount of time (up to two hours) to leave work for voting purposes. Employees are encouraged to arrange for an absentee ballot if their work schedule will provide insufficient time to vote in person; time off to vote will only be approved where there was insufficient time to secure an absentee ballot during the period between the time an employee is informed of his/her work schedule and the date of the election.

## **7.7 Administrative Leave**

On a case-by-case basis, THA may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is in THA's best interests, such as during the pendency of an investigation.

## **7.8 Leave Without Pay (LWOP)**

Subject to operational and other considerations, THA may grant a leave of absence without pay for an absence not covered by any other type of leave. Any available accrued leave must be exhausted before an unpaid leave will be

approved and benefits do not accrue during LWOP. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation. Depending on the circumstances, an employee may be placed on inactive employment status.

Where permitted by the plan documents of the employee health and welfare plans, and in accordance with current law, the eligible employee may elect to pay 102% of monthly premiums in order to continue their group insurance during a LWOP.

#### *7.8.1 Authorization*

The employee must request the leave without pay in writing to their supervisor specifically expressing the need for an extended leave without pay. In circumstances where requesting such leave through the supervisor is inappropriate, then the eligible employee may elect to send their written request directly to the Human Resources Department.

Only the Executive Director may authorize such leaves without pay. The employee may grant or decline these requests at his or her sole discretion.

### **7.9 Unauthorized Leave**

Unauthorized leave occurs when an employee does not report to work, does not return to work following a break or extends an authorized absence without contacting their immediate supervisor and getting authorization. Unauthorized absences will be considered sufficient cause for disciplinary action, including suspension and/or termination at THA's discretion.

Any employee who does not come to work and fails to contact their supervisor for three (3) consecutive business days will be considered to have resigned without notice. As such the employee will not be eligible for rehire.

### **7.10 Benefits During Leave**

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement and health insurance benefits. Unless stated otherwise in these policies, an employee's benefits (including health insurance and leave accruals) will be suspended during any period of unpaid leave in excess of 30 consecutive days. In certain cases, self-payment of insurance premiums may apply (see COBRA information in *THA Policy HR-20.01 Employment Benefits*).