

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 220513

Amending Chapter 2 of the Code of Ordinances, entitled “Administration,” by repealing Sections 2-1099, Vacation Leave and 2-1100, Sick Leave, and enacting in lieu thereof new sections of like numbers and subject matters to make available two free paid leave days to full-time employees immediately upon the start of employment, include mental health as a category eligible for sick leave uses and expand use of sick leave for caregivers; and encouraging Kansas City metropolitan area employers to provide paid leave for all of their employees within the first 90 days of employment, including for mental health needs and dependent care.

WHEREAS, the vision of the Mayor, Council, and City Manager is to lead the City in promoting a physically and mentally healthy, productive workforce; and

WHEREAS, the Kansas City Health Department affirms that allowing employees access to paid sick leave reduces the spread of disease; and

WHEREAS, mental health is as important to employee well-being and productivity as physical health; and

WHEREAS, the inability to access paid leave when needed inhibits employee productivity, job satisfaction, and retention; and

WHEREAS, City employees who are caregivers lose wages when they cannot access a full day of paid leave for at least one month after beginning City employment;

WHEREAS, lost wages can destabilize households, causing a cascade of negative outcomes; and

WHEREAS, mental health concerns have increased in the wake of the COVID-19 pandemic, in Kansas City, throughout the State of Missouri, and at the national level; and

WHEREAS, most City employees currently earn two days of free paid leave annually, in addition to their regularly accrued leave, but that leave is not available until after six months of employment; and

WHEREAS, new employees would benefit from beginning their employment with at least two days of paid leave available for their use to care for their physical and mental health and the health of their loved ones; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 2-1099 and 2-1100 and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

Sec. 2-1099. Vacation leave.

(a) *Generally.*

(1) *Amount.*

- a. Vacation leave for all full-time regular employees in the classified or unclassified service, except employees specifically covered elsewhere in this section, allocated to classes within the managerial, professional, supervisory or confidential group shall receive vacation leave annually as follows:

After 6 months of service	40 hours
After 1 year of service	80 hours
After 5 years of service	120 hours
After 10 years of service	136 hours
After 15 years of service	160 hours
After 20 years of service	184 hours

- b. Employees in a department director, assistant city manager, city clerk or city auditor classification shall receive vacation leave annually as follows:

After 6 months of service	120 hours
After 5 years of service	160 hours
After 10 years of service	216 hours
After 15 years of service	240 hours

- c. A regular employee appointed to the classified or unclassified service on or prior to the fifteenth day of the month shall receive vacation leave credit beginning on the first day of that month; such employee appointed to the classified or unclassified service subsequent to the fifteenth day of the month shall receive vacation leave credit beginning on the first day of the succeeding month.
- d. An employee who is compensated for 41 hours or more in a pay period will be credited with the proportionate amount for the pay period.

- e. A full-time contract employee appointed as a full-time regular employee after June 1, 2002, who has been a resident of Kansas City, Missouri and a full-time contract employee for at least five consecutive years immediately preceding appointment and whose contracts during such period provided vacation leave for the employee:
 - 1. Shall be credited with five years of services for purposes of calculating annual vacation leave under this section;
 - 2. Shall not be considered a new employee for purposes of subsection (a)(2) of this section; and
 - 3. Shall be credited with any vacation leave credited and unused as a contract employee.

- (2) *New employees; scheduling.* No annual leave may be taken by an employee until the employee has been in the service of the city continuously for a period of six full months. Each department head shall keep records of vacation leave credit and use, and shall schedule vacation leaves with particular regard to the seniority of employees, to accord with operating requirements, and insofar as possible with the requests of employees.

- (3) *Accrual.* Employees with less than 15 years of service may accrue vacation leave to a maximum of twice the amount earned in a year. Employees with 15 consecutive years or more of service may accrue vacation leave to a maximum of two and half times the amount earned in a year. Employees who are in the job class of budget officer, deputy city attorney, deputy director, deputy director of aviation or deputy director of water services and who have 20 consecutive years or more of service may accrue vacation leave to a maximum of 600 hours.

- (4) *Terminal leave.* Any employee leaving municipal service shall be compensated for vacation leave credited and unused at the employee's regular rate of pay. In calculating such compensation, the City shall not include any extraordinary pay, shift differentials, special duty pay, overtime, or any other additional pay.

- (5) *Holidays occurring during vacation period.* Any official holiday as set forth in this article that shall occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

- (6) *Extra free paid leave days.* Each full-time employee in the classified and unclassified service shall receive, in addition to the employee's regular vacation leave credit provided for in this section, two additional days of paid leave, which may be taken at the employee's option, with the approval of the employee's department head. Free days shall be available immediately upon the start of employment. Free days must be taken within the calendar year they are made

available. Any unused free day shall not be paid out upon an employee's separation.

- (7) *Kansas City Corporate Challenge competition.* Employees participating in the city's official Kansas City Corporate Challenge competition shall earn an extra free paid leave day upon meeting the following criteria:
- a. Receiving a medal for first, second or third place in an officially sponsored Kansas City Corporate Challenge event or
 - b. Representing the city in at least two officially sponsored Kansas City Corporate Challenge events (i.e. in competition, as an event coordinator, or as an assigned volunteer).
 - c. The free day must be taken during the fiscal year in which it was earned and cannot be accumulated. If an employee fails to use the free day prior to the end of the fiscal year the free day shall be forfeited. An unused free day shall not be paid out upon an employee's separation.
- (8) *City manager.* The city manager shall be entitled to annual leave of six full five-day workweeks.

(b) *Local 500-AFSCME.* Employees allocated to classes covered by the provisions of the work agreement between the city and Local 500-American Federation of State, County and Municipal Employees shall receive vacation leave in accordance with the provisions of the work agreement in effect.

(c) *Local 42-IAFF.* Employees allocated to classes covered by the provisions of the work agreement between the city and Local 42-International Association of Fire Fighters shall receive vacation leave in accordance with the provisions of the work agreement in effect.

(d) *Local 3808-IAFF.* Employees allocated to classes covered by the provisions of the work agreement between the city and Local 3808-International Association of Fire Fighters shall receive vacation leave in accordance with the provisions of the work agreement in effect.

(e) *Waiving vacation.* As vacation leave is granted to employees for a period of recreation, no employee shall be ordinarily permitted to waive such leave for the purpose of receiving double pay, excepting, however, that employees in pay range M-K and below with ten years or more of service, and having at least four weeks of accumulated vacation, may cash in 40 hours of vacation per year. The number of employees who may exercise this option during any pay period is limited to five percent of the M-class department employees.

(f) *Prerequisites for usage.* Generally, vacation time must be earned and recorded prior to usage.

Sec. 2-1100. Sick leave.

(a) *Generally.* Employees allocated to classes within the managerial, professional, supervisory or confidential group shall earn sick leave as follows:

(1) *Accrual.* Each full-time employee in the classified and unclassified service who is compensated for at least 41 or more hours during a pay period shall receive 4.4 hours of sick leave accrual for that pay period.

(2) *Use.*

a. Sick leave with pay must be earned before it can be granted for absence from duty because of actual personal illness, mental health maintenance or illness, non-compensable bodily injury or disease, or exposure to contagious disease, or to keep a doctor's or dentist's appointment. An employee may utilize their earned sick leave to care for their parent, spouse, domestic partner, children, or domestic partner's children or take such person to a doctor or hospital for medical or mental health care. Reporting and documenting requirements of this section shall be followed with respect to such leave.

b. When a field employee finds it necessary to be absent for any of the reasons specified in this subsection, the employee shall cause the facts to be reported to their department head or division head 30 minutes prior to the regular time for reporting to work. All other employees shall notify their department head or division head within one hour after their starting time on the first working day of absence. Sick leave shall not be granted unless such report has been made.

c. An employee must keep their department head informed of their condition if the absence is of more than three days duration. An employee may be required to submit a medical certificate or other documentation for any absence.

d. Failure to fulfill these requirements may result in a denial of sick leave.

e. No refund of vacation time shall be allowed for illness incurred while on vacation leave.

(3) *Maximum Amount.* Sick leave may be accrued up to a limit of 4,000 hours.

(4) *Additional provisions.*

a. The conversion of unused sick leave shall be credited as follows: Employees leaving municipal service, providing such employees have at least one-year of continuous service, may convert accrued sick leave credit at the ratio of four hours of sick leave credit to one hour of vacation leave

credit. Employees with 25 years of creditable service, or who are eligible to retire under the normal or optional retirement rules, or who retire with approved in-line duty disability pension, or who die while active employees shall convert sick leave credit at the ratio of two hours of sick leave credit to one hour of vacation leave credit.

- b. *Local 500-AFSCME.* Employees allocated to classes covered under the provisions of the work agreement between the city and Local 500-American Federation of State, County and Municipal Employees shall receive and accrue sick leave under the provisions of the work agreement in effect.
- c. *Local 42-IAFF.* Employees allocated to classes covered under the provisions of the work agreement between the city and Local 42-International Association of Fire Fighters shall receive and accrue sick leave under the provisions of the work agreement in effect.
- d. *Local 3808-IAFF.* Employees allocated to classes covered under the provisions of the work agreement between the city and Local 3808-International Association of Fire Fighters shall receive and accrue sick leave under the provisions of the work agreement in effect.
- e. *Sick leave credit for city manager.* The city manager shall have such sick leave credit as set forth in any employment agreement between himself and the city.
- f. *Recording.* Each department shall maintain a sick leave record for each employee.

Section 2. That the Council and Mayor encourages employers throughout the Kansas City metropolitan area to provide paid leave for all of their employees within the first 90 days of employment and to include mental health concerns and the care of sick dependents as allowable uses of that leave.

Approved as to form and legality:

Katherine Chandler
Senior Associate City Attorney