

## City of Virginia Beach Department of EMS

# Leave and Overtime Policy --- Uniformed Personnel



**Issue Date:** 04/11/2004

**Revised Date:** 2/16/2022

**Section:** Human Resources

### 1. *Purpose*

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This SOP defines operational work schedules and provides direction regarding departmental leave procedures.

### 2. *Applicability*

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This policy applies to all department career, uniformed personnel.

### 3. *Policy*

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#### 3.1. Leave Requests

3.1.1. The Department shall follow Human Resources leave policies, including but not limited to: Annual and Personal Leave Policy No. 3.01, Family and Medical Leave Policy No. 3.03, Injury Leave Policy No. 3.07, Military Leave Policy No. 3.09, Sick Leave Policy, No. 3.10, Public Health Emergency Operations and Leave Policy No. 3.16, and Administrative Leave Policy No. 3.17.

3.1.2. To request leave, an employee must inform their immediate supervisor and submit a request for leave via VBTime. Disapproved requests should include a reason why the request was denied. FML and compensatory leave requests cannot be denied.

3.1.3. All career uniformed personnel are considered Alpha 1 employees by the City of Virginia Beach. As such, they are subject to recall in the event of a citywide emergency (i.e. hurricane). This recall may include cancellation of all approved leave (not applicable for FML and compensatory leave).

#### 3.2. Approval Authority

3.2.1. All leave will be approved by the immediate supervisor or delegated designee. If the supervisor is not available (on leave, TDA, etc.), the employee should contact their Chief.

### 3.3. Leave Categories

3.3.1. Two categories of leave (aside from compensatory, FML and injury leave) are assigned to each shift within the Field Services Division:

3.3.1.1. Category One – Annual vacation leave, and previously accrued compensatory leave also referred to as “First Choice Leave”. Deputy Chiefs, or their designees, will be responsible for managing Category One leave in their respective branches. Appendix A provides additional instructions.

3.3.1.2. Category Two – Short Term leave to be used once all category One leave has been assigned. Appendix A provides additional instructions.

3.3.2. Leave for all other uniformed personnel will be coordinated through their Division Chief or designee.

### 3.4. Minimum Staffing

3.4.1. A full time Brigade Chief or qualified EMS Captain must always be on duty in the shift commander role. EMS1 and EMS 2 must always be staffed with at least one EMS Captain and one qualified EMS Senior Paramedic/Paramedic to fill the EMS Supervisor roles.

3.4.2. It is the responsibility of each Brigade Chief to maintain adequate staffing of all units during their shift per the Constant Staffing SOP and Field Supervisor SOG.

3.4.3. When severe staffing shortages are projected via the centralized schedule, the Division Chief of Field Services is authorized to freeze vacant leave slots of any category.

### 3.5. Voluntary Leave Cancellation

3.5.1. Employees may cancel approved leave up to the start of the granted leave date by notifying their immediate supervisor and canceling their leave in VBTime. If their immediate supervisor is not available (on leave, TDA, etc.), the employee should contact their Brigade Chief.

3.5.2. If an employee wishes to resubmit any portion of the canceled leave, he/she shall follow the normal process for requesting leave.

### 3.6. Sick Leave

- 3.6.1. Requests for sick leave shall be communicated to the employee's immediate supervisor and submitted in VBTime as far in advance as possible for planned medical and dental appointments.
- 3.6.2. Same day requests for sick leave must be communicated to the employee's immediate supervisor and submitted in VBTime as soon as possible and at least one hour prior to the start of the employee's scheduled work shift.
- 3.6.3. In addition to 3.6.2, all employees are required to call their immediate supervisor, or if their immediate supervisor is not available, any on-duty EMS Captain and if no on duty EMS Captain is available then the employee must contact their assigned chief officer to request same day sick leave and specifically advise whether he/she will be out on sick or family sick leave.
- 3.6.4. Employees may cancel sick and sick family leave requests. Field staff shall inform their supervisor of the leave cancellation to facilitate staffing placement. For office personnel, sick and sick family leave cancellation requires no notification; however, as a courtesy, earliest possible notification should be given to the respective supervisor if the employee expects to return to work during the shift. All leave request cancellations must also be made in VBTime by the employee prior to the start of their shift.
- 3.6.5. For same day sick leave requests, supervisors are responsible for ensuring that all required leave is submitted promptly into VBTime if not done prior to the employee's return to work.

### 3.7. Temporary Duty Assignments

- 3.7.1. Temporary duty assignments (TDA) take employees away from their normal duty assignments. These assignments may be necessary for transitional employment under the Human Resources Return to Work Program Policy and Procedure, No. 6.20, for training or to meet staffing needs. The Division Chief of Field Services will approve or disapprove TDA requests from shift personnel based upon the following criteria:
  - 3.7.1.1. Staffing Levels
  - 3.7.1.2. Training related to an individual's current assignment and rank.
  - 3.7.1.3. Departmental mandatory training and supported activities such as ALS training, appointments to promotional processes, mandated programs, and meetings, etc.
  - 3.7.1.4. Other approved activities such as EMS service-related conferences, seminars, or related training.

3.7.2. Temporary duty assignments impact the number of Category Two leave slots available. All TDA requests require submission at least 10 days prior to the date requested. Short notifications may occur from time to time; however, these approvals will be limited to the above referenced criteria (3.7.1) and the importance of the desired TDA.

3.7.3. The Division Chief of Field Services reserves the right to cancel an approved TDA assignment due to emergent staffing limitations.

### 3.8. Overtime Management

3.8.1. The Department shall follow Human Resources Overtime Policy, No. 2.02. Uniformed non-exempt personnel are considered fire protection employees per Virginia Code § 9.1-702.

3.8.2. Non-exempt administrative uniformed staff and personnel assigned to other divisions within the department (i.e., Training) will be on a seven-day work period, and usually will be assigned to a forty (40) hour work schedule working eight hours a day from Monday-Friday or four 10-hour days.

3.8.2.1. Nonexempt personnel are required to obtain prior approval to work any overtime or to flex schedules. When this is authorized, a comment shall be included in VBTime indicating the reason for the overtime or flexed schedule and the name of the supervisor that authorized it.

3.8.3. Non-exempt career field operational uniformed staff shall be scheduled to work at least forty (40) hours each work period. Field operational uniformed staff shall work the following rotating schedules:

3.8.3.1. A rotating three (3) consecutive twelve (12) hour shifts followed by three (3) consecutive days off. On weeks where the employee is only scheduled in the field for thirty-six (36) hours due to the rotation, four (4) additional hours shall be scheduled during that work week to reach forty (40) hours.

3.8.3.2. Four (4) ten (10) hour shifts followed by three (3) consecutive days off. This assignment will be a permanent schedule for the year and will not have scheduled overtime. This schedule will be assigned per the Shift Bid SOP.

3.8.3.3. Beginning work before the scheduled start time will only be allowed with supervisor permission. When this is authorized, a comment shall be included in VBTime indicating the reason for the early start time and the name of the supervisor that authorized it.

3.8.4. When personnel assigned to the Field Services Division are on light duty or temporary duty assignment (training conferences, professional development, long-term incident management team support, etc.), their work schedule will be defined by the schedule of the temporary duty assignment,

which is typically consistent with a Monday through Friday forty-hour work schedule.

- 3.8.5. Non-exempt employees assigned to the Field Services Division are required to work their fixed, scheduled hours for each seven-day work period or request leave.
- 3.8.6. Unscheduled overtime may occur due to per the Constant Staffing SOP:
  - 3.8.6.1. **Holdover:** Voluntary or mandatory assignment to remain on-duty for any period until proper relief can be arranged or required staffing levels are achieved which allow releasing the employee.
  - 3.8.6.2. **Hire Back:** Voluntary or mandatory assignment of any off-duty employee to report to duty to supplement staffing for a designated period or assignment such as special event coverage.
  - 3.8.6.3. **Call Back:** Will be handled as set forth in Human Resources Overtime Policy, No. 2.02, section 5.6.
  - 3.8.6.4. **Recall:** Mandatory mobilization of one or more off-duty employees to support staffing prior to or during major emergencies or long-term emergency operations.
- 3.8.7. Details for handling unscheduled overtime are contained in Appendix B of this policy. The following guidelines are provided:
  - 3.8.7.1. **Holdover:** Uniformed employees may be required to remain on-duty until an appropriate relief can be provided. The shift's supervising Captain will notify the employee of the holdover as far in advance as practical. While voluntary holdovers are preferred, the shift's supervising Captain can assign mandatory holdover time if required to meet minimum staffing levels. There is no minimum period for holdovers. Compensable work time stops as soon as the employee is relieved or otherwise released from duty.
  - 3.8.7.2. **Hire Back (Voluntary):** Uniformed employees may sign-up for daily and special hire backs to fill staffing shortages. Prioritization of hire backs will be based on the need for an employee with specialty certification/critical skills. Probationary employees are not eligible to sign-up for hire back during their first 90 days of assignment.
  - 3.8.7.3. **Hire Back (Mandatory):** In the event minimum staffing requirements cannot be met utilizing voluntary hire back procedures, the Department has the option to require an employee to report for mandatory hire back. The recalling officer will make reasonable efforts to accommodate individual employee needs. Efforts will also be made to spread the mandatory hire back burden across the workforce as evenly as possible. The Division Chief of Field Services will be notified of any instance where mandatory hire back is activated. Individuals failing/refusing to accept a mandatory hire back assignment will be subject to corrective action.

3.8.7.4. **Call Back:** Call back should not generally be used for staffing shortages. Holdover and hiring backs as described above are preferred over calling back employees.

3.8.7.5. **Recall:** Recall is an official, structured activation of off-duty personnel as directed by the EMS Chief or designee during emergency situations. Recalls should not be confused with hire backs, which are used to fill individual vacancies based on routine operational requirements. Although hire back lists may be referenced for available personnel during a recall, the Chief Officer executing a recall is not required to adhere to said list.

3.8.8. Holdover and hire back work periods shall not exceed maximum shift lengths defined in the Maximum Shift Length SOP. It is the employee's responsibility to schedule their extra shifts so that this SOP is not violated, and they are available and eligible to work their regularly assigned shift. It is also the employee's responsibility to advise their supervisor when an overtime request will place them in an excessive shift length situation.

3.8.9. Holiday pay will be provided pursuant to Human Resources Holidays Policy, No. 3.05

#### ***4. References and Related Policies/Procedures/Guidelines***

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- 4.1. Code of Virginia § 9.1-700 series - Overtime Compensation for Law Enforcement Employees, Firefighters, Emergency Medical Technicians, and other Fire Protection Employees.
- 4.2. CoVB Policy 2.02 – Overtime Policy
- 4.3. CoVB Policy 3.01 – Annual and Personal Leave Policy
- 4.4. CoVB Policy 3.05 – Holidays Policy
- 4.5. CoVB Policy 3.10 – Sick Leave Policy
- 4.6. CoVB Policy 6.20 – Return to Work Program Policy and Procedure
- 4.7. VBEMS Constant Staffing SOP
- 4.8. VBEMS Maximum Shift Length SOP

#### ***5. Appendices***

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- 5.1. Appendix A – Leave Guidance
- 5.2. Appendix B – Overtime Guidance

Effective upon the approval of the Chief of Emergency Medical Services.

*Edward Kyle*

02/16/2022

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**EMS Chief**

**Date Signed**

## **Appendix A**

### **Leave Guidance**

#### **Category One (Annual Vacation)**

- Two slots per shift (day/night) will be designated as Category One until annual vacation scheduling is complete.
- Blackout dates may be set by the Deputy Chief of Operations prior to leave request submissions in November where no leave is authorized (except compensatory leave and FMLA). Blackout dates may include, but are not limited to Memorial Day and Labor Day holiday weekends, July 4<sup>th</sup> (weekend), and major special events.
- All EMS Captains and Paramedics are included in the Category One positions.
- Requests for leave by Brigade Chiefs are not included in Category One Leave considerations. Continuous coverage by these positions will be coordinated by the Division Chief of Field Services.
- Both Captains from the same shift may not take Category One leave at the same time without approval of the Division Chief of Field Services. Supervising Captain coverage is still required.
- The annual Category One approved leave calendar will be posted no later than December 1<sup>st</sup>.
- All unused Category One leave slots will revert to Category Two slots once the vacation calendar is posted unless otherwise limited by the terms of this policy.

#### **Category Two (Short-term Leave)**

- Leave slots remaining after Category One leave scheduling is complete will be designated as Category Two. Only two leave slots (Category One or Two) are authorized. The Division Chief of Field Services may approve additional Category Two leave slots based on staffing levels.
- FML, injury and compensatory leave are prioritized,
- Blackout dates may be set by the Deputy Chief of Operations prior to leave request submissions in November where no leave is authorized (except compensatory leave and FMLA). Blackout dates may include, but are not limited to Memorial Day and Labor Day holiday weekends, July 4<sup>th</sup> (weekend), major special events (SITW, etc.)
- Requests for leave by Brigade Chiefs are not included in Category Two leave considerations. Continuous coverage by these positions will be coordinated by the Division Chief of Field Services.
- Sick leave, funeral leave or other unplanned events immediately fill any vacant Category Two slots.
- Once two employees are assigned to leave or temporary duty assignment (TDA) status during a shift, no further scheduled leave slots may be authorized prior to the start of the shift without approval of the Division Chief



of Field Services. Staffing levels will be the primary consideration when making this decision.

- Once a shift starts, the on-duty Shift Commander has the authority to allow an additional employee to take leave regardless of the number of employees already on leave. Staffing levels will be the primary consideration when making this decision.

**REGARDLESS OF CATEGORY AND DATE OF REQUEST, ANY AND ALL LEAVE (aside from FML, injury or compensatory leave) MAY BE INVOLUNTARILY CANCELLED IN THE EVENT OF AN EMERGENCY OR RECALL.**

## **REQUESTS FOR LEAVE**

*ALL LEAVE REQUESTS MUST BE ACCOMPANIED BY THE EMPLOYEE MAKING A REQUEST IN VBTime AT THE TIME OF THE REQUEST. An employee must have an accrued leave balance to cover the requested leave at the time of the request unless exempted by the Division Chief of Field Services.*

Approved requests for leave will be entered on the master schedule which is to be made available to all uniformed staff employees.

### **Category One Procedures**

- Employees shall apply for Category One positions with their EMS Captain during the period of November 1-15.
- Request dates must fall in the next calendar year and be at least 36 consecutive working hours in duration.
- Employees may submit multiple requests and indicate their priority order in case he/she does not receive approval for the first dates of their choice. However, only one request per employee may be awarded in this process.
- EMS Captains will develop the calendar year schedule based on the leave requests. No leave request will be approved until reviewed by the supervising EMS Captains and Brigade Chief. The EMS Captains' Category One leave recommendations will be forwarded as a packet to the Division Chief of Field Services no later than November 21<sup>st</sup>. Recommendations for approval will be forwarded.
- Priority ranking for leave slots will be based on the time of receipt of the request. In the event of a tie, seniority and the length of the request will be considered. If all factors are equal, a lottery process will be conducted.
- The Division Chief of Field Services will review and approve the Category One leave calendar.
- Employees will be notified of approval/disapproval status no later than December 1<sup>st</sup>.

### **Category Two Procedures**

- Employees may request Category Two leave slots during any period two working shifts to 90 days in advance of the start of leave. Consecutive leave dates within the same pay period may be submitted on one request through VBTime. Separate requests shall be submitted for leave requests crossing over separate pay periods.
- EMS Captains or Brigade Chiefs (for EMS Captains) will approve or disapprove all Category Two leave.
- Approval/disapproval must occur within two working shifts following the date the request is filed.
- In the event a leave slot is not available, and leave is denied, the employee has the option to have the request remain active for later consideration in the event an opening becomes available. Standby leave requests expire 48 hours prior to the date requested.
- Employees denied a leave slot may utilize the Department of EMS Trade Policy if approved by the shift's supervising EMS Captain.

## **Appendix B**

### **Overtime Guidance**

The authority to initiate holdover, hire back or call back is per the Constant Staffing SOP. The authority to initiate a recall shall be vested with the EMS Chief, Deputy Chiefs, Division Chiefs, and Brigade Chiefs. A Recall may be a total departmental recall of career staff or a partial recall of certain personnel. A total recall requires all career personnel who are in an active, full duty status and not on approved FML, injury or compensatory leave to report to duty. All voluntary leave is canceled and, unless otherwise directed, personnel are to report to their normal assigned work location. A partial recall will involve selected personnel who are in an active, full duty status and not on approved FML, injury or compensatory leave (by virtue of special skills or position) or specified number of personnel deemed necessary to handle the situation.

#### **Hire Back (Voluntary)**

A running monthly calendar will be kept in the EMS Captain's office to maintain a hire back list.

Hire back contacts to employees must be completed by 06:30 hours and 18:30 hours. If an employee has not been contacted by said time, their obligation is ended.

Employees may remove themselves from the list 72 hours prior to the hire back commitment (the shift prior to potential hire back).

Failure/refusal to accept a hire back assignment without removal from the list with the required time may result in that employee being ineligible for hire back period of up to 30 days. Exceptions will be made on a case-by-case basis by the Division Chief for Field Services.

#### **Recall**

##### **Recall Process**

- Recall is used when there is an emergency situation. Emergency situations that may prompt the recall of off-duty personnel are categorized as follows:
  - Anticipated Events - Those situations that can be anticipated prior to their occurrence (i.e., hurricanes, coastal floods, etc.).
  - Unanticipated Events - Those situations that cannot be anticipated prior to their occurrence (i.e., major accidents, structural collapse, etc.).
- The recall of off-duty personnel may be:
  - Partial Recall – A partial recall shall be a recall of a specific number of personnel to meet the needs of an emergency.
  - Total Recall – A total recall shall require all off-duty personnel, who are in a full duty status and not on approved compensatory leave to return to duty.

- All Division Chiefs and Brigade Chiefs shall keep with them, at all times, a current listing of telephone numbers of all personnel under their command in the event a recall becomes necessary.

### Recall Levels

#### A. Level I Recall (Partial)

- a. The EMS Chief, or Deputy Chief may authorize the recall of specific personnel based on their experience, training, or expertise in handling specific emergencies.
- b. Recalled personnel shall retrieve their issued protective clothing and report to a station or a specific location as directed. If assignments are inaccessible for any reason, contact the supervisor that initiated contact for the recall for further direction.

#### B. Level II Recall (Partial)

- a. The EMS Chief, or Deputy Chief may authorize the recall of personnel to staff vacant stations, reserve apparatus or a specific position.
- b. Recalled personnel shall retrieve their issued protective clothing and report to a station or specific location as directed. If assignments are inaccessible for any reason, contact the supervisor that initiated contact for the recall for further direction.

#### C. Level III Recall (Total)

- a. The EMS Chief, or Deputy Chief may authorize the recall of all off-duty personnel.
- b. Recalled operational personnel shall retrieve their issued protective clothing and report to a station or specific location as directed. If their assignments are inaccessible for any reason, they should report to any accessible station.
- c. Recalled staff personnel shall report to a location as directed.
- d. If assignments are inaccessible for any reason, contact the supervisor that initiated contact for the recall for further direction.

### Personnel Notification of Recalls

#### A. Personnel notifications of a recall during anticipated and unanticipated events may be made by any or all the following:

- Cell Phone or Landline – Personnel may be notified of a recall by phone call or text. The shift's EMS Captains shall be responsible for notifying all affected personnel.
- Commercial Radio and Television - During an authorized Level III recall, the EMS Public Information Officer (PIO) or Public Affairs Officer (PAO) may utilize any means necessary (to include local radio and television stations, if authorized) and the City's Communications Director to broadcast the information specific to the recall as issued by the EMS Chief.

### Recall Documentation

At the end of the recall, supervisors shall be responsible for submitting a complete report on the recall effort. This report shall include the following information:

For employees recalled:

- Employee names
- Time of recall
- Time of arrival to duty
- Total hours worked

For employees recalled, but failed to report for duty:

- Employee names
- Time of contact
- Reason given for failure to report

For employees the supervisor was unable to contact:

- Employee names
- Phone number utilized
- The time each attempt was made to contact the employee but were unsuccessful

### Failure to Respond to Recall

A supervisor will be required to investigate all situations where employees could not be contacted or failed to report to duty. Corrective action shall be taken when appropriate.

## **OVERTIME DOCUMENTATION**

All employees shall punch in and out of work as scheduled or mandated.

The employee working unscheduled overtime due to a late call or other operational necessity shall notify the supervising EMS Captain as soon as practical and make a comment in their out punch in VBTime with the incident number(s) or details.

The employee working recall, holdover, hire back and call back overtime hours shall note the specific assignment in the comments of their in punch in VBTime.

EMS Captains will review all VBTime entries outside of scheduled hours to ensure all hours are accounted for.

<b>Policy Change Log</b>		
<b>Created:</b>	04/11/2004	Created on this date
<b>Revised:</b>	08/07/2018	Prior changes
<b>Revised:</b>	06/01/2021	Entered into new format. Changes regarding Code of Virginia. Incorporated VBEMS Hireback and Recall of Career Personnel and Leave (Uniformed Staff) policies.
<b>Revised:</b>	2/16/2022	Formatting, terminology consistency, VBTime notations and workflows.