

Administrative Board Rule #11¹

Leave Allowance and Compensation for Non-Civil Service Officers and Employees

Administrative and Executive Branch

A. Scope

This rule applies to non-elected officers and permanent employees of the Administrative and Executive Branch who are exempted from the civil Service under Section 7-301(a), (b), (c), and (e) of the Philadelphia Home Rule Charter (excluding members of boards and commissions) hereinafter referred to as “exempt employees.”²

B. Purpose

The leave allowances, compensation and limitations set forth in this Rule are intended to establish formal policies and eliminate any varying informal arrangements that may exist.

This Rule is not intended to confer any rights of tenure or continued employment on an exempt employee, since Section 9-200 of the Philadelphia Home Rule Charter states that “...any appointed officer may be removed at the pleasure of the appointing power.”

It was necessary to impose certain restrictions on retiring employees since Section 7-301 of the Charter limits the number of active exempt employees in most departments.

C. Exempt Employees Pursuant to Charter Section 7-301 (a), (b), and (c)

(Excluding Board and Commission Members and Employees Paid Through Grants Revenue and Community Development Funds)

1. Exempt Employees on Leave of Absence from Civil Service

- (a) A civil service employee who accepts an exempt position and is granted a leave of absence from Civil Service shall be credited with all accumulated leave balances. Overtime compensatory time balances may be credited only to the maximum permitted in accordance with Section C.2.(b) and Attachment A of this Rule. Holiday compensatory time which has been earned by an exempt employee but not used may

¹Established December 21, 1955. Amended April 30, 1965, April 20, 1971, August 17, 1972, March 23, 1979, May 3, 1979, December 23, 1982, July 10, 1983, October 25, 1983, December 22, 1983, April 3, 1985, January 21, 1986, January 13, 1987, May 11, 1992, September 20, 1993, April 13, 1998, July 18, 2008, March 25, 2011, December 21, 2012, July 26, 2013, September 27, 2013, November 22, 2013, December 20, 2013, January 31, 2014, May 30, 2014, August 28, 2015.

²Reference to 1993 rescission of previous version of Rule omitted.

be credited up to, but not exceeding, the holiday compensatory time balance available as of May 11, 1992. Any compensatory time balances in excess of those credited will be maintained in the department, agency, or office from which the exempt employee is on leave.

- (b) Subsection (a) above shall apply to exempt employees under Federal, State or other grant funded programs only to the extent permitted by and consistent with applicable regulations promulgated by the grantor.

Notwithstanding the above, employees on leave of absence from a uniformed civil service class shall be credited with compensatory time balances as permitted by the Civil Service Regulation for the position from which the employee is on leave.

2. Overtime and Holiday Compensation

- (a) If a recognized holiday falls on a Sunday, the holiday will be observed on the following Monday in accordance with Administrative Board Rule No. 26. If a recognized holiday falls on a Saturday, each exempt employee shall be entitled to one (1) Administrative Leave day with pay for that holiday. This Administrative Leave day must be used in accordance with the provisions of Section C.4. of this Rule and may not be taken prior to the date of the holiday.
- (b) Exempt employees in positions required to receive overtime compensation under the provisions of the Fair Labor Standards Act shall receive overtime compensation for all hours worked, as defined in subsection (C)(2)(b)i), in excess of forty (40) hours in a work week. Exempt employees in positions required to receive overtime compensation under the provisions of the Fair Labor Standards Act whose regular or normal work week is thirty-seven and one-half (37 ½) hours in a work week. Such overtime shall be compensated at one-and-one half (1 ½) times the employee's regular rate of pay. Such employees may request to receive compensatory time off in lieu of a cash payment for overtime. The Department has the sole discretion to grant the employee's request for compensatory time on a case-by-case basis or to pay the employee cash overtime. Employees who are approved for compensatory time in lieu of cash overtime shall receive one-and-one-half (1 ½) hours of compensatory time for each overtime hour. Compensatory time may be accrued to a maximum of 120 hours. No compensatory time will be granted in excess of the maximum accrual.
 - (i) For those employees described in subsection (C)(2)(b), all approved paid leave, other than sick leave, will be considered hours of work for the purpose of determining whether overtime is due as defined in this Rule.
- (c) Exempt employees not required to receive overtime compensation under the provisions of the Fair Labor Standards Act are not eligible for extra pay for overtime and holiday work. However, if an exempt employee who is not eligible for overtime pay works on a Saturday, Sunday or on a recognized holiday (see Administrative Board Rule #26), he or she shall be eligible for compensatory time off, on an hour-for-hour basis, for all hours,

as defined in subsection (C)(2)(c)(i), worked in excess of forty (40) hours in a work week. Exempt employees whose regular or normal work week is thirty-seven and one-half (37 ½) hours per week, shall be eligible for compensatory time off, on an hour-for-hour basis, for all hours, as defined in subsection (C)(2)(c)(i), in excess of thirty-seven and one-half (37 ½) hours in a work week. Cabinet members, deputies to Cabinet members, Department heads and their deputies, and all other employees listed as ineligible on Attachment A to this Rule shall not be eligible to earn compensatory time.

- (i) For those employees described in subsection (C)(2)(c), all approved paid leave, other than sick leave, will be considered hours of work for the purpose of determining whether compensatory time is due as defined in this Rule.

Exempt employees not required to receive overtime compensation under the provisions of the Fair Labor Standards Act but who are required to work a Special Event on a Saturday, Sunday or on a recognized holiday (see Administrative Board Rule #26) for which the City of Philadelphia receives reimbursement from the Event Sponsor for its costs, shall be eligible to receive extra pay, on an hour-for-hour basis, for such work.

Law Department attorneys and legal assistants are expected to spend whatever time is necessary on a particular matter to get the job done at a high level of professionalism. To accomplish this may require a continuous effort including frequent evening and weekend work, and, thus, Law Department attorneys and legal assistants are not eligible for compensatory time off in the same manner as other exempt employees. However, subject to approval of the supervising Chief Deputy, a Law Department attorney or legal assistant shall be eligible for compensatory time off for work performed on an extraordinary basis because of extraordinary demands. Examples of extraordinary demands would be depositions and court-ordered appearances on weekends or holidays; emergency after-hours requests for orders of protective custody (child welfare) and related proceedings; and other extraordinary circumstances where normal flex time compensation within the same biweekly pay period is impractical.

Moreover, there are additional occasions where a sustained commitment of extraordinary working hours is required by attorneys and legal assistants. The Executive Committee of the Law Department will reward those employees who have been required to work at this level during the course of a year with an “end of the year” grant of up to five compensatory days. It is expected that there will rarely be more than a few attorneys in the Law Department in any given fiscal year whose working hours and productivity will qualify them for this grant of compensatory time. To qualify, a person must, on a matter of significant importance to the taxpayers of Philadelphia:

- (i) Work extraordinary hours over a sustained period of time
- (ii) Work efficiently, cooperatively, and productively on the matter

(iii) Be recognized by the responsible attorney on the matter as having made a significant and necessary contribution to the handling of the matter.

Law Department attorneys at or above the level of Senior Attorney or Divisional Deputy shall not be eligible for compensatory time off.

- (d) Compensatory time may be earned or utilized by eligible exempt employees under the following conditions:
- (i) The exempt employee's supervisor must approve the weekend and/or holiday work.
 - (ii) Exempt employees who are not entitled to overtime compensation under the Fair Labor Standards Act may accumulate no more than a total of fifty-six (56) hours of compensatory time. No distinction is to be made between compensatory time earned on a weekend or on a holiday in determining this total and only one compensatory time balance is to be computed. Once the maximum accrual is reached, compensatory time must be used before additional time can be earned.
 - (iii) The granting of any compensatory time off shall be at the discretion of the appointing authority.

3. Vacation Leave

- (a) Full-time exempt employees with nine (9) full years or less of City service shall earn vacation leave at the rate of five-sixths ($5/6$) working days for each calendar month of service, except that Cabinet members, Deputies to Cabinet members, Department heads and their deputies shall be entitled to vacation leave at the rate of one and one-quarter ($1-1/4$) days for each calendar month of service. Those full-time exempt employees with more than nine (9) but less than fourteen (14) full years of City service shall be entitled to vacation leave at the rate of one and one-quarter ($1-1/4$) days for each calendar month of service. Those full-time exempt employees with more than fourteen (14) years of service shall be entitled to vacation leave at the rate of one and two-thirds ($1-2/3$) days for each calendar month of service. Exempt employees shall earn no more than twenty (20) days total vacation leave for each calendar year.
- (b) Part-time employees who are regularly employed and whose normal work week averages or exceeds twenty (20) hours shall earn vacation leave in proportion to their actual time worked, consistent with item (a) above. Part-time exempt employees whose normal work week is less than twenty (20) hours shall not be entitled to vacation time.
- (c) Unused vacation leave may be accumulated, but an exempt employee may not be credited with unused vacation leave in excess of seventy (70) working days at the end of each calendar year. However, an exempt employee on leave of absence from a Civil Service position may maintain an unused vacation leave balance in an amount

in accordance with the Civil Service regulation applicable to the position from which the employee is on leave.

- (d) An exempt employee may be permitted, at the discretion of the appointing authority, to take vacation leave in advance of its being earned by service, provided that the amount of anticipated leave does not exceed one year's vacation allowance.
- (e) Exempt employees may elect to convert vacation to either cash payment or benefits credits, in accordance with the provisions of the City's Flexible Benefits Plan, in lieu of time off. An employee must have completed at least one year of City service prior to the beginning of the plan period for which election is made.

4. Administrative Leave

Each full-time exempt employee shall, in each year ending June 30, be granted four (4) days of annual leave with pay, in the form of administrative leave, for any purpose at any reasonable time. Such administrative leave shall not be used for periods of less than a full day. If unused in any such year, administrative leave shall be neither accumulated from year to year, nor compensable at time of separation.

1. Sick Leave

- (a) Effective January 1, 1993, each full-time exempt employee hired or re-hired on or after October 1, 1992 shall earn sick leave at the rate of one and one-quarter ($1 \frac{1}{4}$) working days for each calendar month of service unless the employee is on leave from a civil service position which provides for a different earning rate. A Civil Service employee who is granted a leave of absence to accept an exempt appointment on or after October 1, 1992 shall earn sick leave in accordance with the Civil Service Regulation for the Civil Service position from which the leave was granted. Each full-time exempt employee hired before October 1, 1992 shall earn sick leave at the rate of one and two-thirds ($1 \frac{2}{3}$) working days for each calendar month of service.
- (b) Part-time exempt employees who are regularly employed and whose normal work week averages or exceeds twenty (20) hours shall earn sick leave in proportion to their actual time worked, consistent with item 5.(a) above. Part-time employees whose normal work week is less than twenty (20) hours shall not be entitled to sick leave.
- (c) Unused sick leave may be accumulated up to a maximum of (200) working days, unless the employee is on leave of absence from a Civil Service position which provides for a higher maximum, in which case the employee shall be permitted to maintain a maximum accumulation equal to the amount applicable to the Civil Service position from which the leave was granted.
- (d) Sick leave shall not be allowed in advance of being earned, except that, effective January 1, 2014, exempt employees, with supervisor approval, shall be permitted to

borrow up to five (5) advanced sick leave days, after the employee has exhausted all accrued leave, for the following circumstances:

- (i) maternity-related absences pursuant to section 5(e), below;
- (ii) care of a dependent relative pursuant to section 5(i), below, so long as care is needed for a serious health condition;
- (iii) a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- (iv) any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a covered military member on "covered active duty," under the FMLA;
- (v) care of any of the following relatives: spouse, child, parent or next of kin, if the relative has a serious injury or illness and is a covered military member under the FMLA (military caregiver leave).

Any subsequently accrued leave shall first be used to reimburse the City for the advance, before any accrued leave is used for additional time off. Upon separation, the employee must repay to the City any unreimbursed advance leave.

(e) Sick leave may be utilized for maternity-related absences as follows:

- (i) A pregnant employee who, during the term of pregnancy, is incapacitated in any way as a result of the pregnancy, will be considered eligible for sick leave in the same manner as for any other incapacitating illness or injury.
- (ii) In the period prior to delivery, sick leave may be used, with the approval of the appointing authority, upon the written recommendation of the exempt employee's doctor that the pregnant exempt employee can no longer work.
- (iii) Without other justification, sick leave may be used by the pregnant exempt employee from the time of delivery forward for eight (8) calendar weeks.
- (iv) Additional sick leave may be used beyond the eight-week post-partum period when certified by the exempt employee's physician as related to the pregnancy and approved by the appointing authority.

Use of sick leave for maternity-related absences shall be limited to that accrued in accordance with this Rule.

- (f) Each full-time exempt employee may exchange sick leave days for coverage under a long-term disability plan at a ratio of one (1) day of accumulated sick leave for one (1) week of benefit payments to qualified disabled employees in accordance with the provisions of the City's Flexible benefits Plan and the long-term disability plan.
- (g) Each full-time exempt employee shall be eligible to participate in the Sick Leave Reduction Incentive Program in accordance with the provisions of the City's Flexible Benefits Program as applied to non-represented employees.
- (h) Sick leave shall be used in accordance with guidelines established by the City's Personnel Department for the implementation of the Family and Medical Leave Act (FMLA). Accrued sick leave must be utilized prior to any unpaid leave allowance conferred by the FMLA. Although all exempt employees are not covered within the definition of "employee" as defined in the FMLA, the provisions of the FMLA will be extended to exempt employees.
- (i) Exempt employees shall be permitted to use up to five (5) days of accrued sick leave each calendar year for the care of a dependent relative, including a spouse or life partner, who lives in the employee's home and who is sick or disabled.³

2. Disability Leave

- (a) This section is not intended to confer any right of tenure or continued employment on an exempt employee. It is, however, intended to provide appropriate compensation for an exempt employee who becomes disabled.
- (b) As outlined below, the Medical Director or the Medical Director of Employee Health Services shall determine the nature and extent of the disability depending upon whether the disability is service-connected or non-service-connected.

(c) Service Connected Disability

- (i) Determination of whether a disability is service-connected shall be made by the exempt employee's appointing authority on the basis of:
 - a. All the facts in the service history of the case.
 - b. The findings of the Medical Director;
 - c. Such evidence as the exempt employee, at his or her own expense, may submit of the service-connection of his or her disability;
 - d. Other relevant evidence submitted to the appointing authority; and,
 - e. There shall be no presumption that any disability is service connected, but such determination shall be made as provided herein.
- (ii) Effective March 1, 1993, an exempt employee who incurs a temporary total service-connected injury which prevents the exempt employee from

³ December 2012 amendment numbered this subsection "(g)", a number already in use.

performing his or her regular duties shall be compensated at seventy-five (75) percent of salary. During the period of temporary total disability, the exempt employee shall not accumulate vacation leave. An exempt employee may be continued in temporary total disability status for one year for each work-related injury. Upon the recommendation of the Medical Director, the period in temporary total disability status may be extended in six (6) month increments at the discretion of the appointing authority. An exempt employee cannot exceed three years of total temporary disability status in the aggregate during the employee's tenure with the City. An exempt employee shall be entitled to benefits under this section so long as the employee is under active treatment with a physician authorized by the Medical Director.

The Medical Director shall periodically re-examine the exempt employee and shall advise the appointing authority of his or her recommendation concerning return to work or continuation of disability leave.

- (iii) Effective March 1, 1993, an exempt employee who incurs a permanent and partial service-connected disability which prevents the exempt employee from performing his or her regular duties shall be compensated at seventy-five (75) percent of the salary he or she was being paid on the date of his or her disability, as adjusted in accordance with any revision in rates of pay for that position, for a period not to exceed one year. During this period the exempt employee shall not accumulate vacation leave.
- (iv) Should the exempt employee continue in disability status and receive the maximum benefit, he or she shall be separated from City employment and, in consideration of the maximum benefits received at the time he or she is determined to be permanently and totally disabled hereunder he or she shall forfeit all claim of rights to all accumulated leave, but shall receive medical care and hospitalization required in connection with such disability as approved by the Medical Director.
- (v) Effective March 1, 1993, an exempt employee who incurs a permanent and total disability shall be separated from City employment and, in consideration of the maximum benefits received at the time he or she is determined to be permanently and totally disabled hereunder, he or she shall forfeit all claim of rights to all accumulated leave, but shall receive medical care and hospitalization required in connection with such disability as approved by the Medical Director.
- (vi) An exempt employee receiving disability compensation or a service-connected disability pension from the City shall cooperate and accept all reasonable and appropriate City-provided medical care including diagnostic testing, physical therapy, and established corrective surgical procedures in order to continue receiving benefits.

- (vii) Benefits under these provisions are in lieu of Workers Compensation benefits. If an exempt employee is given an award of Workers Compensation benefits for a period in which the exempt employee used sick or vacation leave, the City shall be entitled to a week for week credit.

(d) Temporary Non-Service Connected Disability

- (i) An exempt employee whose disability is not service-connected shall use sick leave, vacation leave, administrative leave, or other permissive leave available to him or her until such leave is exhausted.
- (ii) Should the disability continue for a period in excess of the accumulated leave referred to in Section C.6.(d)(i) and the employee is temporarily unable to engage in any substantial and gainful business activity, the exempt employee shall apply for a leave of absence. In accordance with the Family and Medical Leave Act (FMLA), the employee will be granted a total of twelve (12) weeks combined paid and unpaid leave during a twelve month (12) period. Such leave shall be consistent with Section C.9. of this Rule.

3. Funeral Leave

Funeral leave shall be granted to an exempt employee upon notification to the appointing authority of the name and relationship of the deceased and the date of the funeral. Four (4) days funeral leave with pay shall be granted in the case of death of members of the immediate family of the exempt employee, consisting only of spouse, parent(s), child(ren), brother(s), sister(s), father-in-law, mother-in-law, grandparent(s), or grandchild(ren). An exempt employee shall be granted one (1) day's funeral leave with pay in the event of a death in the family other than hereinbefore set forth, provided the employee attends the funeral service.

4. Military Leave

An exempt employee who, by reason of membership in the United States Military or Naval Reserve, is ordered by the appropriate authorities to attend a training period of encampment under the supervision of the United States Armed Forces, or by reason of membership in the National Guard, is required by the authorities thereof to participate in actual training activities or active duty as a part of the state military force or by reason of membership in the civilian Public Health Service Reserve Corps, is ordered by the appropriate authorities to participate in training or active duty, shall be granted a leave of absence from his or her position without loss of pay or time on working days not exceeding fifteen (15) days in any such calendar year during which he or she shall be actually engaged in such activities.

5. Leave of Absence without Pay

(a) The appointing authority, subject to the approval of the appropriate Cabinet Officer, may grant a leave of absence without pay or accrual of benefits for a period not exceeding one (1) year to an exempt employee upon the employee's written request. Such leave, however, may for meritorious reasons be extended for additional period with the approval of the appointing authority for additional period with the approval of the appointing authority and the appropriate Cabinet Officer.

(b) Family Leave

(i) Effective August 5, 1993, in accordance with the Family and Medical Leave Act (FMLA), exempt employees with one year of City service are eligible for twelve (12) weeks of unpaid leave in a twelve (12) month period for the birth of a child, adoption or foster care receipt of a child, or care for a child, spouse or parent with a serious health condition.

(A) The employee requesting unpaid family leave shall first substitute accrued vacation leave, accrued compensatory time off, administrative leave, or applicable sick leave prior to the use of any unpaid leave allowance conferred by the FMLA for any part of the twelve (12) week mandated period.

(B) Leave used for the serious illness of a child, spouse, parent, or the employee can be taken intermittently or on a reduced schedule when medically necessary. Leave related to the delivery or receipt of a child must be taken consecutively from such event.

(ii) Unpaid leave granted under the provisions of this Rule shall be implemented in accordance with the guidelines established by the City's Personnel Department. Although all exempt employees are not covered within the definition of "employee" as defined in the FMLA, the provisions of the FMLA will be extended to exempt employees.

6. Terminal Compensation

(a) Accumulated Vacation Leave

(i) An exempt employee who ceases active service with the intent to terminate employment shall receive a lump sum payment for the balance of his or her earned but unused vacation leave at the employee's regular rate of pay on the last day he or she provided job-related services. Said payment shall be made in a lump sum after the employee has been compensated for all job-related

services. However, no payments shall be made for unused vacation leave in excess of seventy (70) days.

- (ii) Notwithstanding the limitations specified in Section C.10.(a)(i), an employee on leave of absence from a Civil Service position may be compensated in a lump sum at his or her regular rate of pay on the last day the employee provided job-related services in accordance with the procedures established in Civil Service for the position from which the employee is on leave.
- (iii) In the case of a deceased exempt employee who has unused vacation entitlement at the time of death, payments shall be made to his or her estate.
- (iv) An exempt employee who has used vacation leave in excess of the rate of entitlement shall reimburse the City at the time of separation from the exempt employment. Such reimbursement shall be computed at the regular rate of pay at the time of said separation and shall be made by deduction from payroll or other funds due the exempt employee from the City.

(b) Accumulated Sick Leave

An exempt employee who ceases active service to become pensioned under one of the City's pension plans shall, as of the date of their termination, receive payment for thirty (30) percent of the number of days of accumulated sick leave at his or her regular rate of pay as of the last day the employee provided job-related services, unless the retiring employee is on leave of absence from a Civil Service position which provides for a different payment formula, in which case that formula shall be applicable. This payment shall be made within thirty (30) days of separation from the City and shall be the only form of compensation for accrued sick leave available to an employee who has announced an intent to retire and has ceased providing job-related services.

(c) Holiday Compensatory Bank

An exempt employee who at termination has an unused balance in the holiday compensatory bank established under Section C.2.(e)(i) shall be compensated for this time at the regular rate of pay as of the last day he or she provided job-related services. Said payment shall be made in a lump sum after the employee has been compensated for all job-related services.

(d) Terminal Compensation- Overtime Compensatory Time for Exempt Employees in Positions Required To Receive Overtime Compensation Under The Provisions Of The Fair Labor Standards Act

Any exempt employee who is covered by the overtime provisions of the Fair Labor Standards Act who leaves the City service for any reason, shall, upon termination of

employment, be paid for unused compensatory time granted in accordance with Section 2(b) of this Rule at a rate of compensation not less than:

- A. The average regular rate received by such employee during the last 3 years of the employee's employment, or
 - B. The final regular rate received by such employee, whichever is higher
- (e) Terminal Compensation for Employees On a Leave of Absence From a Civil Service Position

No other terminal compensation or severance compensation will be authorized except in the case of an employee on leave of absence from a Civil Service position, in which case the employee may be compensated in accordance with any Civil Service regulation in effect at that time which allows for other lump sum terminal compensation, provided these regulations are applicable to the Civil Service position from which the employee is on leave.

11. Parental Leave⁴

Effective January 1, 2014, exempt employees with six (6) months of service shall be granted four (4) weeks of paid parental leave after the birth of a child or children, or upon taking custody of an adoptive child or a foster child under the age of 18 (collectively, "child care event"), all usable within twelve (12) months after the birth or the arrival of the adoptive or foster child in the home. Any paid parental leave not used by the employee before the end of the 12-month period to which it relates shall be forfeited and may not be accumulated for any subsequent use. This subsection shall apply only to child care events occurring on or after January 1, 2014.

- (a) Parental leave shall be used in continuous days during the 12-month period, unless otherwise approved by the employee's supervisor.
- (b) An employee may receive only one period of parental leave for any child care event.
- (c) An employee may not use more than four weeks of paid parental leave in any twelve-month period.
- (d) An exempt employee need not be eligible for FMLA leave (as described in section 9(b) of this Rule) in order to use paid parental leave, but, if the employee is eligible for FMLA leave, any parental leave taken under this section shall be concurrent with, and not in addition to, leave allowable per FMLA as specified in section 9(b) of this Rule.

⁴ September 27, 2013 amendment numbered this subsection 10, a number already in use.

- (e) Use of paid parental leave shall not require use of any accrued leave; and paid parental leave may be used in addition to any accrued leave.

D. Exempt Employees Pursuant to Charter Section 7-301(e) and All Exempt Employees Paid Through Grants Revenue and Community Development Funds

- (1) In the case of positions established in accordance with Section 7-301(e) of the Charter, leave benefits are hereby authorized to equal those provided to civil service employees unless otherwise established by the Administrative Board.
- (2) Each grant program whose exempt employees are not exempted under Section 7-301(e) of the Charter will establish, with the concurrence of the Administrative Board, leave allowance and compensation regulations. Unless prohibited or restricted by the federal, state, or other grant program regulations, it is expected that either Civil Service regulations or the provisions of this Rule will be adopted.

E. Attendance Records

- (1) All agencies shall maintain attendance and leave records for exempt employees and shall make these records available for audit by the City Controller prior to the payment of terminal compensation authorized herein or to substantiate eligibility for conversion of leave time to benefits and/or cash under the City's Flexible Benefits Program.
- (2) For exempt employees no longer eligible to receive compensatory time, the relevant department, office or agency head may decide whether such employees should sign in and out on a time sheet or complete a certification form indicating the number of hours worked for a pay period and documenting leave time taken, subject to consultation with and approval by the City Controller.

F. Special Provisions Relating To Leave Entitlement Of Employees Of The Park Trust Fund Working For The Department Of Parks And Recreation Subsequently Hired Into The City Managing Director's Office.

Employees holding a regular full-time position in the Park Trust Fund and performing work for the Department of Parks and Recreation on or before June 30, 2013, who are subsequently appointed to a position in the Managing Director's Office without a change of duties, shall be entitled to:

- (1) transfer sick leave accumulated as of the date of appointment;
- (2) purchase credit for vacation leave up to the amount of vacation leave and compensatory time that the employee had accumulated at the time of appointment to the City.

Transfer of leave or purchase of credit for leave is subject to the maximum accumulation limits as defined by Administrative Board Rule 11.

G. Special Provisions Relating to Accrued Leave Balances and Leave Earnings of Employees of the First Judicial District of Pennsylvania Who, Upon Separation From The First Judicial District of Pennsylvania, Are Immediately Hired by the City of Philadelphia.

- (1) An employee holding a regular full-time position with the First Judicial District of Pennsylvania and who, on or after January 1, 2014, is separated from employment by the First Judicial District and is immediately appointed to a civil service exempt position in the City of Philadelphia, shall upon said appointment be entitled to transfer his or her accrued sick leave, vacation leave and compensatory leave that was accumulated as of the date of appointment.

Transfer of accrued sick leave, vacation leave and compensatory leave is subject to the maximum accumulation limits as defined by Administrative Board Rule 11.

The employee who transfers sick leave, vacation leave and/or compensatory leave shall not be entitled to any terminal leave payment from the First Judicial District of Pennsylvania for any leave transferred to his or her City of Philadelphia leave balances.

- (2) An employee holding a regular full-time position with the First Judicial District of Pennsylvania and who, on or after January 1, 2014, is separated from employment by the First Judicial District and is immediately appointed to a civil service exempt position in the City of Philadelphia shall, for purposes of calculating the amount of vacation and sick leave to be earned going forward, pursuant to Sections C.3(a) and C.5(a) of this Rule 11, be granted City credit for the time employed by the First Judicial District of Pennsylvania.

Attachment A

Senior Policy Level Exempt Employees

Comp. Time Prohibited

Mayor's Office

Chief of Staff
Inspector General
Deputy Mayors
Housing Director
Housing Deputy Director
Executive Director – PCC
Executive Director – MOCS
Executive Director – Anti-Graffiti

Managing Director's Office

Managing Director
Deputy Managing Directors
Senior Assistant Managing Director

Operating Departments

Commissioners
Deputy Commissioners

Executive Directors

Fairmount Park Commission
Superintendent – Riverview
Art Commission
City Planning Commission
Free Library
Board of Pensions
Commission on Human Relations
Personnel Director
Deputy Personnel Director
Board of Revision of Taxes

Comp. Time Permitted

Deputy Chief of Staff
Assistant Deputy Mayors
Commission Directors
Assistant Inspector General
Press Secretary

Assistant Managing Director

Executive Asst. to Boards

Comp. Time Prohibited

Comp. Time Permitted

Finance

Finance Director
Deputy Director of Finance
Revenue Commissioner
Procurement Commissioner
Deputy Commissioners
City Treasurer
Deputy City Treasurer

City Representative/Commerce

City Representative and Director of Commerce
Deputy Commerce Directors
Deputy City Representative
Director of Aviation
Deputy Directors of Aviation
Executive Director, Civic Center

City Solicitor's Office

City Solicitor
First Deputy City Solicitor
Chair, Corporate Group
Chair, Litigation Group
Chief Deputies
Divisional Deputies
Senior Attorneys

All personnel below
Divisional Deputies