



SENIORITY RIGHTS AND ADJUSTED DATE OF EMPLOYMENT

PM-66-01

Section: 66-00, EMPLOYEE STATUS

PURPOSE AND SCOPE

During the course of labor negotiations in 1972, the City's policy on seniority for City of Memphis Government employees was set forth clearly in the various Memoranda of Understanding. Specifically, effective 07/01/72, when an individual is hired into a regular, full-time position in one of the Divisions of City of Memphis Government, the employee's first date of employment or, if hired again, the employee's most recent date of employment shall be the employee's date of employment with City of Memphis Government and is the date used for seniority and rate of accrual of benefits.

POLICY

An employee, who is certified to a regular, full-time position upon successful completion of his /her initial probationary period, shall be entitled to full civil service rights at that time. Those positions exempted under provisions provided by City of Memphis Charter and Code of Ordinances are exempted from Civil Service Status.

When the City of Memphis Government hires an employee who has worked for one of the following:

1. Memphis Light, Gas, and Water;
2. Memphis-Shelby County Airport Authority;
3. Memphis-Shelby County Port Commission;
4. Mid-South Coliseum; or
5. Shelby County Government or any of its agencies.

The City SHALL give prior employment credit providing:

- a) The employee has had continuous, regular, full-time employment (temporary or part-time employment will not be included);
- b) The employee came to the City without a break in service on the next scheduled work day after leaving the former employer's payroll; and



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- c) The employee requests prior employment credit within the first 6 months of City employment or the employee will forfeit the right to receive such credit

When City of Memphis Government hires an employee who has worked for one of the following:

1. Memphis City School System;
2. The Regional Medical Center at Memphis; or
3. Shelby County School System.

The City SHALL NOT give prior employment credit regardless of the employee's job classification.

None of the above listed circumstances shall have any bearing, however, on the employee's prior service credit in the City's Pension Plan. All matters of pension are governed by the rules and regulations of the City of Memphis Retirement System.

ADJUSTED DATE OF EMPLOYMENT

Dates of employment can only be adjusted by the Human Resources Director or designee. When dates of employment are adjusted, the Human Resources Director or designee shall notify the employee in writing of the adjusted date of employment. In addition, the Human Resources Director or designee shall update the employee's official personnel file, notify the employee's Division Director requesting an update of Division records, and notify Data Management, Human Resources Division, who is responsible for entering the pertinent information into the City of Memphis Payroll/Personnel System. The adjusted date of employment shall then govern seniority and the rate of accrual of vacation and sick leave time. All matters of pension are governed by the rules and regulations of the City of Memphis Retirement System.



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PROCEDURES FOR ADJUSTING DATE OF EMPLOYMENT

Dates of employment shall be adjusted as follows:

A. Procedures For Adjusting Dates Of Employment

1. Grant Employees

When an employee transfers from a regular, full-time, grant-funded position with City benefits into regular, full-time, City-funded position without a break in service, seniority credit and the accrual of vacation and sick leave time are given for the period of time the employee worked under the grant program.

2. Employees Recalled From Recall Registers

The employee's current date of employment will be adjusted to exclude the total period of time the employee was on leave of absence without pay when the employee is recalled from a Recall Register to a regular, full-time position in one of the Divisions of City of Memphis Government. It is mandatory that the Employment Service Center, Division of Human Resources, notify the Director of Human Resources or designee in writing immediately upon the employee's return to work so the employee's date of employment can be adjusted.

3. Prior Employment Credit and Transfer of Sick Leave Benefits

An employee, who is given prior employment credit within the provisions of this policy, will have his/her date of employment adjusted to reflect the employee's prior employment. In order for the date of employment to be adjusted, it is the responsibility of the employee to present to the Director of Human Resources or designee, a letter from the Personnel Section of the agency from which the employee has worked stating the following:



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- a. The employee's date of employment with the agency;
- b. Whether or not the employment was regular, full-time, and continuous;
- c. The employee's last day on the agency's active payroll; and
- d. The amount of unused accrued sick leave time the employee is eligible to transfer.

No vacation or other types of leave, with the exception of approved sick leave, will be transferred to the employee's City employment record.

Note: The granting of prior employment credit does not negate the employee's initial probationary period, nor does it negate requirements such as pre-employment physicals, etc.

4. Leave of absence without pay

When a regular, full-time employee in one of the Divisions of City of Memphis Government is on leave of absence without pay for more than 30 calendar days, with the exception of military leave, PM-66-03, the employee's current date of employment shall be adjusted to exclude the total period of time the employee was on leave of absence without pay. It is the responsibility of the employee's Division to notify the Director of Human Resources or designee, in writing immediately upon the employee's return to work from leave of absence without pay that exceeds 30 calendar days so the employee's date of employment can be adjusted.

Note: When an employee's date of employment is adjusted for any of the above listed reasons, the employee's rate of accrued leave benefits shall be calculated in accordance with PM-46-02, VACATION LEAVE, and PM-46-03, SICK LEAVE.



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DATES OF EMPLOYMENT SHALL NOT BE ADJUSTED AS FOLLOWS:

An employee's date of employment shall not be adjusted if the employee is placed on a disciplinary suspension, unless:

1. Directed by the Civil Service Commission; or
2. In compliance with a written agreement between the employee and the City. Seniority may be restored to an employee by a court of law, Civil Service Commission, or arbitrator. The City will consider those decisions only upon such proceedings having been completely disposed.

TRANSFER OF LEAVE BENEFITS IF PRIOR EMPLOYMENT CREDIT IS GRANTED

The City will consider for transfer, unused accrued sick leave time when the agency and the individual meet the criteria set forth in this policy. It is incumbent upon the individual requesting transfer of their unused accrued sick leave time to present certification of such time to their designated supervisor who shall forward the certification to the Director of Human Resources or designee, for appropriate action.

The City shall not accept transfer for unused accrued vacation. The City shall not accept transfer for leave such as bonus days, personal days, birthdays, and other miscellaneous leave days.

MEDICARE COVERAGE

Employees hired on or after 04/01/86, which are given prior service credit from agencies defined in this policy, or who are hired again from City retirement, shall, pursuant to federal law, PL 99-272, have Medicare payments deducted from their paychecks by payroll deduction. Prior service credit is not transferable for consideration in payments for Medicare coverage. Reference PM-42-03, MEDICARE COVERAGE.



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RETIREEES HIRED AGAIN

When a City of Memphis employee has been previously retired by the City in a regular, full-time position, the employee SHALL be given credit for prior service. The employee's date of employment shall be adjusted to exclude the period of time away from City employment. The adjusted date of employment shall then govern seniority and the rate of accrual of vacation and sick leave time. All matters of pension are governed by the rules and regulations of the City of Memphis Retirement System.

When a City of Memphis Government employee has been previously retired by the city and is hired again by the City into a temporary position, the employee SHALL NOT be given credit for prior service. All matters of pension are governed by the rules and regulations of the City of Memphis Retirement System.

REFERENCE CORRESPONDING POLICIES

- PM-46-00 LEAVE WITH PAY
- PM-50-00 LEAVE WITHOUT PAY
- PM-42-03 MEDICARE COVERAGE
- PM-66-02 MATERNITY LEAVE
- PM-66-03 MILITARY LEAVE