



City of Pittsburgh
Operating Policies

Policy: Break in Service	Original Date: 05/6/2010
	Revised Date:

PURPOSE: To establish a policy regarding breaks in continuous service for employees.

POLICY STATEMENT: All City departments shall follow this policy in regard to breaks in service for employees.

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

DEFINITIONS

Break in Service: Any separation from employment.

Continuous Service: An employee's length of consecutive full time employment since his/her last date of hire with the City.

Bridged Time: Periods of previous full time City employment that are joined together (or "bridged") to be added to an employee's continuous service.

Just Cause: a good cause, lawful cause or sufficient cause.

This policy covers break in service procedures for:

- I. **Non-Work Related Disabilities**
- II. **Work-Related Physical Disabilities**

I. BREAKS IN SERVICE FOR NON-WORK RELATED DISABILITIES

A. PROCEDURES FOR NON-UNION EMPLOYEES

A non-union employee's continuous service record shall be broken by:

- 1) Quit – provided that the employee is rehired within fifteen (15) days, the break in continuous service shall be removed. Absence for five (5) consecutive work days without notice to the City shall be a quit.
- 2) Discharge for just cause.
- 3) Continuous absence due to a layoff for twenty-four (24) months or due to a non work related disability for twelve (12) continuous months or a total of twelve (12) cumulative months in a twenty-four (24) month period
 - a. An employee who is absent due to physical disability shall have a right to return to work within one (1) year provided that the employee is not laid off during that period or the City, based on medical evidence, does not reasonably believe that the employee's disability will last for more than one (1) year.
 - b. The time periods in this policy shall begin to run on the first day that an employee is absent, regardless of the fact that the employee may be compensated for all or part of the absence.
 - c. If the employee is able to return to work before his/her break in service date, then the City shall return him or her to the same position that he or she left.
 - d. If an employee is disabled after January 1, 1995, then the City shall pay its share of premium for health, vision, dental and life insurance otherwise due to the employee for twelve (12) months if the disability is not work-related and the employee will be responsible for his/her share.
- 4) If an employee returns to work in any capacity, the employee's total number of days of previous employment as a full time benefitted employee will be added to the employee's most recent "start" date of full time employment.
- 5) Bi-weekly, the Personnel Department's Employee Leaves Coordinator will issue a report via email to each Department Director/Bureau Chief regarding all employees in their Department/Bureau off on non-work related and work related

disabilities. The report includes the employee's last day worked, start date of short term disability, start date of long term disability, approved through date and the employee's break-in-service date.

- 6) It is the Department Director/Bureau Chief's responsibility to monitor their employee's break-in-service dates from the emailed report and to contact employees in writing two weeks prior to the break-in-service date to notify the employee when their break-in-service date will occur (*see sample "contact letter" available online*) and that if the employee does not return to work or respond by their break-in-service date, they will receive a five day suspension pending termination letter. All written correspondences to employees will be copied to the employee's personnel file.
- 7) If the employee does not respond to the "contact letter" or return to work on or before their break in service date, the Department Director/Bureau Chief shall send the employee a five day suspension pending termination letter. The suspension begins on the break in service date. (*see sample letter available online*).
- 8) Once an employee receives a five day suspension pending termination letter, they have five days in which to respond to their Director/Chief. Responses received within the five day period will be reviewed. An employee who does not respond and/or whose response is denied will receive a termination letter. (*see sample letter available online*)

B. PROCEDURES FOR UNION EMPLOYEES

- 1) A union employee's continuous service record shall be defined and broken in accordance with the language in their respective collective bargaining agreement.
- 2) Bi-weekly, the Personnel Department's Employee Leaves Coordinator will issue a report via email to each Department Director/Bureau Chief regarding all employees in their Department/Bureau off on non-work related and work related disabilities. The report includes the employee's last day worked, start date of short term disability, start date of long term disability, approved through date and the employee's break-in-service date.
- 3) It is the Department Director/Bureau Chief's responsibility to monitor their employee's break-in-service dates from the emailed report and to contact employees in writing two weeks prior to the break-in-service date to notify the employee when their break-in-

service date will occur (*see sample "contact letter" attached and also available online*) and that if the employee does not return to work or respond by their break-in-service date, they will receive a five day suspension pending termination letter. All written correspondences to employees will be copied to the employee's personnel file.

- 4) If the employee does not respond to the "contact letter" or return to work on or before their break in service date, the Department Director/Bureau Chief shall send the employee a five day suspension pending termination letter. The suspension begins on the break in service date. (*see sample letter attached and also available online*).
- 5) Once an employee receives a five day suspension pending termination letter, they will have five days in which to respond to their Director/Chief. Responses received within the five day period will be reviewed. An employee who does not respond and/or whose response is denied will receive a termination letter. (*see sample letter attached and also available online*)

II. BREAKS IN SERVICE FOR WORK-RELATED PHYSICAL DISABILITIES

A. PROCEDURES FOR *NON-UNION EMPLOYEES*

A non-union employee's continuous service record shall be broken by:

- 1) Continuous absence due to a work related disability for eighteen (18) continuous months or eighteen (18) cumulative months in a twenty-four (24) month period. If an employee is absent from work due to both non work related and work related disabilities, continuous service will be broken after an absence for eighteen (18) continuous months or eighteen (18) cumulative months in any twenty-four (24) month period.
 - a. An employee who is off from work on a work related physical disability shall return to work within he/her break in service date unless the employee is laid off from the City.
 - b. The time periods in this policy shall begin to run on the first day that an employee is absent, regardless of the fact that the employee may be compensated for all or part of the absence under any other provision of this agreement.

- c. If the employee is able to return to work before his/her break in service date, then the City shall return him or her to the same position that he or she left.
 - d. If an employee is disabled after January 1, 1995, then the City shall pay its share of premium for health, vision, dental and life insurance otherwise due to the employee for eighteen (18) months if the disability is work-related and the employee will be responsible for their share.
- 2) If an employee returns to work in any capacity, the employee's total number of days of previous employment as a full time benefitted employee will be added to the employee's most recent "start" date of full time employment.
- 3) Bi-weekly, the Personnel Department's Employee Leaves Coordinator will issue a report via email to each Department Director/Bureau Chief regarding all employees off on non-work related disabilities. The report includes the employee's last day worked, start date of short term disability, start date of long term disability, approved through date and the employee's break-in-service date if it is within three (3) months.
- 4) It is the Department Director/Bureau Chief's responsibility to monitor their employee's break-in-service dates from the emailed report and to contact employees in writing two weeks prior to the break-in-service date to notify the employee when their break-in-service date will occur (*see sample "contact letter" available online*) and that if the employee does not return to work or respond by their break-in-service date, they will receive a five day suspension pending termination letter. All written correspondences to employees will be copied to the employee's personnel file.
- 5) If the employee does not respond to the "contact letter" or return to work on or before their break in service date, the Department Director/Bureau Chief shall send the employee a five day suspension pending termination letter. The suspension begins on the break in service date. (*see sample letter available online*).
- 6) Once an employee receives a five day suspension pending termination letter, they have five days in which to respond to their Director/Chief. Responses received within the five day period will be reviewed. An employee who does not respond and/or whose response is denied will receive a termination letter. (*see sample letter available online*)

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