

## **Chapter 5: Leave**

### **Section 5-1: General Provisions**

The County provides eligible employees with paid and unpaid time away from work for a variety of reasons. Leave, to the extent possible, must be requested in advance. Requests for leave, for other than personal illness or that of an immediate family member, will be granted if in the opinion of the supervisor such leave is not disruptive to normal operations.

Employees are required to notify their immediate supervisor in advance of the regular starting time if they are going to be late or absent so that arrangements can be made. An employee not in an approved leave status who fails to report to work for two (2) consecutive workdays may be separated from employment.

Immediate family as it pertains to this Chapter is defined as: spouse, parent, children, including foster children, legal wards, and children placed with an employee for adoption, brother, sister, grandparents, grandchild, guardian, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, and grandparents-in-law.

Full month as it pertains to Section 5-2, 5-3 and 5-16 is defined as 160 hours for a full-time employee, 128 hours for a part-time 32 hour per week employee, 96 hours for a part-time 24 hour per week employee, and 80 hours for a part-time 20 hour per week employee.

### **Section 5-2: Annual Leave**

- a. Classified employees in regular full-time positions who are members of VRS Plan 1 or 2, and employees in regular part-time positions who were hired into those positions prior to July 1, 2014 are eligible for annual leave.

The annual leave accrual schedule is as follows:

#### FULL-TIME ANNUAL LEAVE SCHEDULE

Months of Service	Hours Earned Per Month	Hours Earned Per Year	Accrual Limit
0 through 48	8	96	192
49 through 108	10	120	240
109 through 168	12	144	288
169 and over	14	168	336

#### PART-TIME ANNUAL LEAVE SCHEDULE

Months of Service	20 Hr/Wk Employee		24 Hr/Wk Employee		32 Hr/Wk Employee	
	Hours Earned Per Month	Accrual Limit	Hours Earned Per Month	Accrual Limit	Hours Earned Per Month	Accrual Limit
0 through 48	4	96	5	120	6	144
49 through 108	5	120	6.5	156	8	192
109 through 168	6	144	7	168	9.5	228
169 and over	7	168	8.5	204	11	264

- b. Annual leave is earned only upon completion of a full month worked and may not be used until earned. Any annual leave eligible employee, except a new employee who begins work after the 1<sup>st</sup> working day of the month, who works at least one-half of the full month shall earn one-half of their monthly accrual. An employee cannot use the present month's accrual during that month, as it is not earned until the end of the month. Annual leave may not be taken in less

than fifteen- minute increments.

- c. Probationary employees do not earn or accrue annual leave and are not compensated for annual leave if separated from County service during the probationary period. After successful completion of the probationary period, annual leave is granted retroactive to the first full month of service. New employees who begin work after the 1<sup>st</sup> working day of the month shall not receive annual leave for that month.
- d. Employees may go over their accrual limit during the year, provided that accrued leave shall be reduced to the applicable limit by September 30<sup>th</sup> of each year. For good cause shown, the County Administrator may approve a written extension of the September 30<sup>th</sup> deadline for a stated period not to exceed four (4) months. All requests for extension must be received by the County Administrator before September 10<sup>th</sup>.
- e. Classified employees on annual leave shall be paid their prevailing wage based on the prevailing scheduled work period. It is not the intent of this policy to allow the employee to receive additional compensation through the use of annual leave, but to insure the employee's regular salary. Employees retain all benefits and seniority while on approved annual leave.
- f. Annual leave schedules shall be planned and approved by the immediate supervisor so as to minimize the need for a temporary increase in personnel.
- g. Upon separation or retirement, eligible full-time and part-time employees shall be paid for accrued annual leave up to the accrual limit in accordance with the provisions of Section 5-15 of this Chapter. In the event of death of the employee,

the employee's estate will be paid any amount due under this policy.

- h. Should a regular part-time position be made a regular full-time position, or a regular part-time employee transfer to a regular full-time position, the incumbent will receive leave benefits at a prorated accrual rate for longevity purposes (e.g. 10 years of 20-hour part-time service = 5 years full-time service).

### **Section 5-3: Sick Leave**

- a. Classified employees in regular full-time positions who are members of VRS Plan 1 or 2, and employees in regular part-time positions who were hired into those positions prior to July 1, 2014 are eligible for sick leave.
- b. Sick leave shall be defined as leave with pay granted for a bodily injury resulting in temporary disability, medically required confinement, medical or dental appointment, illness of the employee or member of the immediate family requiring the presence of the employee or to provide care for immediate family members impacted by closures of public schools, child daycare, and/or eldercare facilities when a State public health emergency has been declared.
- c. Sick leave is accrued at the rate of eight (8) hours per full month worked for all eligible regular full-time employees and (4) hours per full month worked for twenty (20) hour per week employees, five (5) hours per full month worked for twenty-four (24) hour per week employees, and six (6) hours per full month worked for thirty- two (32) hour per week employees. Any sick leave eligible employee, except a new employee who begins work after the 1<sup>st</sup> working day of the month, who works at least one-half of the full month shall earn one-half of their monthly accrual. An employee cannot use the present month's accrual during that month,

as it is not earned until the end of the month. Sick leave, if not exhausted in the year in which it accrues, may be carried over from year to year without limit. Employees retain all benefits and seniority while on approved sick leave.

- d. Sick leave may not be taken in less than fifteen-minute increments. Sick leave may be used for visits to health providers during working hours only with the permission of the employee's supervisor. Employees must keep their supervisor informed of any absence from work and the anticipated duration due to illness. Employees may be required to present a physician's statement to verify the illness or appointment. Whenever possible, requests for sick leave should be made in advance. In the case of personal illness, or unanticipated circumstances, the employee's supervisor must be notified no later than the beginning of the workday or as soon thereafter as is practical. After three consecutive workdays of absence by an employee on sick leave, the Department Head must notify the Human Resources Department to ensure compliance with Family and Medical Leave Act provisions. In accordance with generally accepted accounting practices, sick leave is debited from an employee's sick leave account by using the first-in first-out (FIFO) method of accounting (notwithstanding the value of such leave as described elsewhere in these policies).
- e. Notwithstanding any other provisions of this policy manual, employees who are absent from work for more than twelve (12) weeks (such that the provisions of the Family and Medical Leave Act are no longer applicable) for causes that qualify for sick leave, are not guaranteed continued employment. The status of such employees will be reviewed on a case-by-case basis to determine whether

the operational needs of the County require that the vacancy caused by the employee's absence be filled. If the County Administrator determines that the vacancy will be filled, the employee will be separated from County service. At the time of separation any unused leave will be paid in accordance with the provisions of Section 5-15 of this Chapter.

#### **Section 5-4: Sick Leave Bank**

a. Purpose

To establish a Sick Leave Bank which will give members an additional source of leave days when they are incapacitated by an extended personal illness or disability but are not eligible for Worker's Compensation or disability retirement benefits.

b. Eligibility for Membership

1. All classified employees in regular full-time positions who are members of VRS Plan 1 or 2, and employees in regular part-time positions who were hired into those positions prior to July 1, 2014 and have completed their initial probationary period will be eligible to participate in the Sick Leave Bank.
2. Employees meeting the requirements specified above will be eligible to join the Bank during May or June of each year.

c. Terms of Membership

1. Membership in the Sick Leave Bank is voluntary.
2. In order to participate in the Bank, each employee will be required to have accrued the initial contribution of sick leave, submit an Application for Sick Leave Bank Membership during the months of May or June, and

contribute the equivalent of one month's accrual (8, 6, 5, 4, hours) of sick leave. Participation will begin as of July 1.

3. Each July 1 thereafter, each member will be required to contribute one additional month's accrual of sick leave to the Bank unless the County Administrator determines the required contribution is not needed. The County Administrator may require a maximum special assessment of one (1) additional month's accrual per Fiscal Year from each member if the Bank balance falls below a reasonable level. When a special assessment is required, members will have the option to cancel their membership. A member not wishing the special assessment may terminate membership in the Bank by sending a written statement to the Human Resources Department within thirty (30) calendar days from the date of notice. An existing member who has no sick leave to contribute at the time of contribution or assessment shall be assessed the first sick leave day subsequently accumulated. When a contribution or special assessment is required, any member drawing leave from the Bank at that time will be exempted from the assessment. All contributions to the Sick Leave Bank are made using the first-in first-out (FIFO) method of accounting.
4. Membership in the Bank is continuous and sick leave will be contributed from the member's accrued sick leave as outlined above, unless the member completes a Termination of Sick Leave Bank Membership form and returns it to the Human Resources Department before July 1.
5. Upon termination of employment or withdrawal of membership, a member

employee will not be permitted to withdraw his/her contributed day(s).

d. Disability Benefits

1. A member may draw his/her regular base salary from the Bank for a maximum of 8 weeks during any twelve-month period beginning on the first day the member draws from the Bank.
2. A member drawing sick leave from the Bank will not be expected to replace it.
3. A member will not accrue sick or annual leave while drawing days from the Sick Leave Bank.

e. Eligibility for Benefits

1. The first consecutive five (5) weeks of each personal illness or disability must be covered by the member's own accumulated sick or annual leave, non-exempt compensatory leave or leave without pay. This waiting period will begin on the first day the member is absent from work as a result of the disability. Additional waiting periods are not required for a reoccurrence of the same illness or disability within the same twelve (12) month period.
2. The member must also exhaust all individually accrued sick leave and annual leave days and any non-exempt compensatory leave days, before withdrawing leave from the bank.
3. The Sick Leave Bank member, or someone on his behalf, must submit an Application for Withdrawal of Sick Leave Bank Days and a Physician's Certification of Disability form to the Human Resources Department. This certificate must contain the nature of the illness or disability, a statement



that the member is totally unable to work as a result of the illness or disability, and the approximate length of absence.

4. Additional physician certifications may be required as necessary.

f. Administration

1. The Sick Leave Bank will be administered by the Human Resources Department and the Deputy County Administrator or his/her designee.

2. The Deputy County Administrator shall:

a) Review all applications, except his/her own, for Bank use, ensure that they meet Bank policy guidelines and recommend approval or denial of the request.

b) Respect the right to privacy of those individuals who made application for use of the Sick Leave Bank.

c) Notify the Human Resources Department to effect Sick Leave Bank payments.

d) Review and/or recommend revisions to Bank policy as appropriate.

3. The Human Resources Department shall:

a) Maintain records of all participating members' contributions, withdrawals, and the status of the Bank.

b) Report the status of the Bank at any time upon the request of the Deputy County Administrator and shall provide him/her information with respect to any participating member's contribution status or prior use of Bank benefits.

c) Effect Sick Leave Bank payments and account for Sick Leave Bank

usage.

- d) Make available all forms for application for participation in the Bank, requests for withdrawal of Bank days, and cancellation of participation.

- 4. The contribution of sick leave days by participating full-time regular employees will be in whole days, and the use of Bank days will be whole days payable at the rate of 100% of eligible daily earnings. The contribution of regular part-time employees will be in partial days and prorated according to the average hours worked per week, and the benefit payable by the Bank will be prorated in the same fashion.
- 5. Decisions of the Deputy County Administrator may be appealed to the County Administrator within 14 calendar days of receipt of the decision.
- 6. Final authority for Sick Leave Bank administration rests with the County Administrator.

g. Termination or Modification of the Sick Leave Bank

- 1. The County reserves the right to terminate or modify this policy and shall not be held responsible to anyone then eligible or who may be or becomes eligible to participate in the Bank.
- 2. If the Bank is terminated, the sick leave days remaining in the Bank at that time shall be distributed according to the following priorities:
  - a) First, to the Bank members then drawing sick leave days from the Bank, until all unused sick leave hours are exhausted or until the member has received the maximum allowable entitlement from the

Bank.

- b) Second, to those Bank members who have applications pending decision at the time the Bank becomes inoperative, and who are subsequently ruled eligible for benefits under the terms of this section, until the limits described in g 2(a), are reached.
- c) Third, assuming g 2(a) and g 2(b) are not applicable or have been satisfied, then the benefits remaining in the Bank shall be returned to its members prorated in direct proportion to their individual contributions.

#### **Section 5-5: Discretionary Leave**

- a. Discretionary leave for employees exempt from the FLSA overtime provisions, is not earned or accumulated. Reasonable amounts of discretionary leave may be provided by the County Administrator or the Department Head, as appropriate, for exempt employees, if extended periods of work are necessitated by the requirements of the position.
  - 1. Unlike non-exempt employees, the work week of an exempt employee is not specifically defined as 40 hours per week. On the contrary, the general rule of thumb is that such employees work the number of hours required to “get the job done”, and these need not be associated with any concept of a “normal” 40-hour work week. This is taken into account when compensation is determined for these positions.
  - 2. Discretionary leave is provided to meet professional and personal needs during normal working hours and is not designed to compensate hour for

hour for extended hours of work.

3. Discretionary leave for exempt employees should be viewed in the same context and in the same spirit as the “get the job done” character of time worked. Both employees and their supervisors are expected to use and administer an unstructured concept of discretionary time off in a fashion that is in keeping with generally accepted standards of employee performance and not in terms of hourly entitlement.
4. Discretionary leave may not be used in lieu of sick leave.

#### **Section 5-6: Leave of Absence Without Pay**

Leaves of absence without pay for personal reasons, such as lengthy illness beyond sick leave accrual, personal business, or travel must be requested in advance and in writing by the employee. If an individual qualifies for Family and Medical Leave, the policy requires additional steps and it is therefore necessary to refer to Section 5- 14 for specific information regarding this type of leave without pay status.

For reasons other than those qualifying under Family and Medical Leave, the request must state the reason, and the starting and probable date of return. Leave without pay is at the discretion of the County and may be refused at any time.

Department Heads may approve leave without pay for a period of up to ten (10) workdays if conditions warrant. An employee is required to request in writing the reason(s) for leave without pay status. Leaves of absence in excess of ten (10) workdays and not to exceed twelve (12) calendar months require the County Administrator’s approval. Leave without pay is granted only when all annual leave or PTO leave has been exhausted.

Employees on leave of absence without pay for 30 calendar days or less remain on active employment status and service towards accumulation of benefits continues; those on such leave in excess of 30 calendar days are placed on temporary non-pay, inactive status and the period of absence is not considered as service toward accumulation of benefits.

When leave without pay occurs before or after a holiday, no pay is given for the holiday. Holidays that occur during such absences are likewise not credited to the employee for pay.

#### **Section 5-7: Bereavement Leave**

Bereavement leave is defined as leave with pay granted to regular full-time and regular part-time employees upon the death of an immediate family member as defined in Section 5-1 of this Chapter. The purpose of such leave is to allow employees a period of adjustment and sufficient time to travel if necessary or to put family affairs in order when work would interfere with such activities.

Bereavement leave shall be granted by the Department Head upon the request of the employee. Bereavement leave shall not exceed three (3) workdays per death and must be taken within two (2) weeks of the death. Bereavement leave is not charged to sick, annual or PTO leave. If more than three (3) days is required, the employee may use other accrued leave. If leave is desired for a death other than an immediate family member, the employee at the discretion of the supervisor may use annual or PTO leave or leave without pay. The County Administrator may approve administrative leave for employees or groups of employees to attend funerals when warranted in special circumstances.

### **Section 5-8: Administrative Leave**

Administrative leave is leave with pay and may be granted for any valid reason when it is deemed in the best interest of the County and approved by the County Administrator. When administrative leave is granted, employees who are in any other prior approved leave status (e.g., annual, sick, PTO, military, etc.) will remain in that status.

### **Section 5-9: Military Leave**

Employees who are former members of the armed services or a member of an organized reserve force of any of the armed services of the United States, National Guard, naval militia, or other employees who are called to active military service will have their job status protected in full compliance with current federal and state regulations.

Employees officially engaged in training duty or called to a tour of active duty are entitled to a leave of absence from their respective duties, without loss of seniority, accrued leave, or performance rating.

Employees officially engaged or called to service as noted above receive up to fifteen (15) paid workdays of military leave in each federal fiscal year (October 1 to September 30), except that no employee shall receive paid leave for more than fifteen workdays per federally funded tour of active military duty. For purposes of this section, a workday shall mean 1/260 of the total working hours an employee is scheduled to work during the entire federal fiscal year.

Employees are required to provide documentation of orders for required military training or active duty to their Department Head and the Department of Human Resources prior to commencement of duty. A responsible military official is required to provide advance notice to the employer (Department Head and/or the Department of

Human Resources) of military service. The notice may be verbal or written.

Advance notice is not required if the giving of notice is precluded by military necessity or is otherwise impossible or unreasonable.

#### **Section 5-10: Court Leave**

Court leave is leave with pay and is defined as an employee's absence from work to serve on jury duty or attend court as a subpoenaed witness, and any compensation the employee receives for such service may be retained by the employee. An employee, who is a victim of a crime, but is not a subpoenaed witness, is not eligible for court leave, but shall be allowed to leave work to be present at all criminal proceedings relating to the crime, if such leave does not create undue hardship to the County's business. The employee, who is a victim of a crime, may take leave without pay or use accrued annual leave or PTO leave to exercise his or her right to attend the criminal proceedings. An employee appearing in court as either a defendant or plaintiff in a case is not eligible for court leave, but may take leave without pay or use annual or PTO leave for such purpose at the employee's option.

An employee summoned or subpoenaed for jury duty or witness service must submit a copy of the official summons or other satisfactory documentation (such as witness recognition) to the Department Head prior to the beginning date of such service.

If court leave requires the employee's absence for their full workday the employee will be paid their regular rate of pay for that day. If court leave requires the employee's absence for less than their full workday, the employee must contact their supervisor concerning their return to work in order to be paid for any part of the

workday.

An employee who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall not be required to start any shift that begins on or after 5:00 p.m. on the day of such duty, or that begins before 3:00 a.m. on the day following the day of such duty.

#### **Section 5-11: Workers Compensation Leave**

Any employee who sustains an on-the-job illness or injury, which is deemed compensable by the County's workers compensation insurance carrier, shall be placed on workers compensation leave for the duration of related absence as long as medical certification indicates the employee is unable to perform the assigned work or until it is determined the employee is eligible for disability retirement, or is separated from County service due to continued inability to perform the assigned work. Workers compensation leave runs concurrently with Family and Medical Leave. (See section 5-14)

Employees are not compensated for the first seven (7) calendar days of workers compensation leave unless the employee elects to use accrued leave. This seven-day period coincides with the 'waiting period' of the Virginia Workers Compensation Act in which an employee is not entitled to compensation from the County's worker's compensation insurance carrier.

If a compensable illness or injury results in an absence that exceeds seven (7) calendar days, the employee receives replacement income paid by the workers compensation carrier at the rate of 66 2/3 % of his or her average weekly gross wages at the time of the disability, subject to the minimums and maximums allowed by the



Workers Compensation Commission.

In instances where the maximum compensation allowed by law is less than 66 2/3% of the employee's average weekly gross wages, the employee may use accrued sick leave until exhausted and then annual leave to supplement their weekly compensation to 66 2/3% of their average weekly gross wage. This supplement will be treated as taxable wages and will cease when worker's compensation payments are terminated for any reason or if the employee separates from County employment. Pursuant to Section 15.2-1511.01 of the Code of Virginia, a deputy sheriff who suffers a compensable injury and whose maximum compensation is less than 100% of his regular compensation shall be entitled to use any accrued annual, compensatory, or sick leave to supplement the maximum compensation so as to receive 100% of his regular weekly gross wages. In no case shall a deputy sheriff use such accrued leave so as to receive more than 100% of his regular weekly gross wages.

The employee's benefits, medical report, and employment status are reviewed within 30 days of the beginning of workers compensation leave to determine whether the employee remains on workers compensation leave or some other action is indicated. Employment decisions regarding workers compensation may be made at any time sufficient information is available. With the approval of medical authorities, the County may require the employee to return to light duty assignment.

Employees in workers compensation leave status exceeding 30 calendar days do not accrue annual, sick, or PTO leave, or receive holiday pay.

#### **Section 5-12: Emergency Conditions Leave**

Should the County Administrator authorize the closing of County Offices because of

an emergency, such as inclement weather conditions, classified employees will not suffer a loss in compensation and will be paid their regularly scheduled hours for that day based on the County's standard 8-hour workday. Should emergency conditions necessitate the early closing or late opening of County Offices, classified employees will be paid for their regularly scheduled hours regardless of the hours worked or missed during the period based on the County's standard 8-hour workday. Work As Required employees will not be considered as having been scheduled to work during the period of authorized closing and are therefore not entitled to any compensation for these hours. Non-exempt essential personnel required to work are compensated as set forth in Section 3-16. Employees in any other approved leave status (i.e., annual, sick, PTO, military etc.) will remain in that status.

#### **Section 5-13: Volunteer Leave**

Employees must receive prior approval from their supervisors regarding the scheduling of volunteer leave. Supervisors may require written verification to document use of this leave. Supervisors will attempt to accommodate employees' requests for volunteer leave, but must exercise discretion to ensure that department needs are met.

a. Fire and Rescue

Employees who are members of the Gloucester or Abingdon Volunteer Fire & Rescue Companies may be granted paid leave to answer calls on their shift during normal working hours (8:00 A.M. to 4:30 P.M.). This time will not be charged against annual, sick or PTO leave.

b. Blood Donations

Employees who wish to donate blood during Gloucester County Red Cross

Blood Drives may be granted up to two hours paid leave to do so during normal working hours (8:00 A.M. to 4:30 P.M.). This time will not be charged against annual, sick or PTO leave.

c. Schools

The County provides employees with paid leave to participate in school activities in order to promote employee's involvement in the education of local youth, and to promote employee's assistance to schools. Full-time employees are provided up to eight hours of paid leave per calendar year. Hours for eligible part-time employees are provided on a prorated basis per calendar year. (Example: Employees working 20 hours per week are entitled to half of the full time leave or four hours).

Employees with children may use leave under this policy to meet with a teacher or administrator of any public or private preschool, elementary school, middle school, or high school concerning their children, step-children, or any children for whom the employee has custody. School leave may also be used to attend any school function in which such children are participating.

Employees with or without children may use leave under this policy to perform any volunteer work to assist any public preschool, elementary school, middle school, or high school, where such work has been approved by any teacher or school administrator.

A preschool program is defined as any early-childhood program that serves children for more than nine hours per week, at any time from their birth until their eligibility to enter elementary school. While a preschool program may be home-based, like all other such programs, it must be registered, licensed or certified (i.e., regulated) by Virginia Department of Social Services.

Leave to assist schools will be credited to current employees on January 1 of each year, and all new employees will be credited with this leave upon completion of their probationary period.

Unused school leave in a calendar year is not carried over into the next calendar year. There is no payment for unused school leave upon termination or retirement from employment.

#### **5-14: Family and Medical Leave**

This policy implements the Family and Medical Leave Act of 1993, the "Act" and any federal amendments modifying the Act. This policy is intended to summarize the Act and is not intended to change or alter any rights of employees under the Act; employees should refer to the Act itself or contact Human Resources if more specific detail is needed.

The Act provides eligible employees with up to 12 workweeks of leave in a 12-month period and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. Employees are also entitled to return to their same or an equivalent job at the end of their qualifying leave.

The Act also provides certain military family leave entitlements. Under the Act, eligible employees may take leave for specified reasons related to certain military deployments of their family members. Additionally, the Act allows up to 26 weeks of leave in a single 12-month period to care for a covered service member (also known as military caregiver leave) with a serious injury or illness.

When both spouses are employed by the County, they are limited to an aggregate of 12 workweeks during any 12-month period when the leave taken is for the birth and care of a newborn, placement of a child for adoption or foster care, or to care

for a parent with a serious health condition.

The County defines the 12-month period as that 12-month period measured forward from the date an employee's first FMLA leave begins.

Leave under the Act may be either paid, unpaid or a combination of paid and unpaid leaves, depending on the qualifying reasons for the leave, and runs concurrently with sick, annual, PTO, worker's compensation and short-term disability leave if the absence qualifies under the Act. The County requires employees to substitute accrued paid leave for unpaid leave. An eligible employee would be required to first use all available sick, then annual or PTO leave before going into an unpaid leave status unless doing so would constitute a violation of the Act. An employee on leave to bond with a child must first use all available annual or PTO leave before going into an unpaid leave status.

- a. To be eligible for leave an employee must have been employed for at least 12 months, which need not be consecutive, and worked at least 1250 hours during the 12-month period before the leave begins, unless doing so would constitute a violation of the Act. Paid and unpaid leave, including qualifying leave under the Act, do not count as hours worked.
- b. leave taken under the Act, with the approval of the Human Resources Department, may be granted up to a total of 12 workweeks in a 12-month period for one or more of the following reasons:
  1. The birth of a child and to bond with the newborn child.
  2. The placement with the employee of a child for adoption or foster care, and to bond with that child.

3. To care for an immediate family member (spouse, child (as defined in the Act), or parent –but not a parent “in-law”) with a serious health condition.
  4. When the employee is unable to work because of a serious health condition.
  5. For qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or called to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.
- c. In conjunction with the Act, military caregiver leave, with the approval of the Human Resources Department, may be granted up to a total of 26 workweeks in a “single 12-month period” to care for a spouse, son, daughter, parent, or next of kin who is a covered service member with a serious illness or injury sustained in the line of duty on active duty. The “single 12-month period” begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date. An eligible employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for any other qualifying reason in this single 12- month period. For example, in the single 12-month period an employee could take 12 weeks of medical leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks of leave to care for a newborn child and 10 weeks of military caregiver leave.
- d. The type and amount of leave an individual may take (consecutive, intermittent, or reduced work schedule) will be based on the qualifying leave reason , When an employee’s need for leave is foreseeable, the employee must give at least thirty (30) days written notice and must make a reasonable effort to minimize

disruption of County operations. When the need for leave is unforeseeable the employee must give notice as soon as practicable (within 1-2 working days) of learning of the need for leave. The County may temporarily transfer an employee using intermittent or reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

- e. Employees on a qualifying medical leave must contact the Human Resources Department within 1-2 working days, if practicable, anytime there is a change in medical condition or requested leave dates. While on a qualifying medical leave the employee must contact the Human Resources Department a week before their anticipated return regarding leave status and their intent to return to work.
- f. The County may require certification from a "health care provider" as provided by the Act. Employees will be notified when a certification is required, and forms will be provided for this purpose along with instruction for completion and due dates. Additionally, the County requires an employee returning from a qualifying medical leave due to their own serious health condition to provide a fitness-for-duty certification prior to their return to work. Failure to comply with this requirement may delay the employee's return to work.
- g. The County may require a second opinion when it is not satisfied with the certification. If the two health care providers disagree, the County may require the opinion of a third jointly approved health care provider who shall be the final authority on the question. These second and third opinions are at the County's expense. The County may also require the employee to obtain subsequent recertification

on a reasonable basis.

- h. While on a qualifying leave, the County must maintain the employee's group health insurance coverage at the same level and under the same conditions of coverage as existed before the employee took the qualifying leave. The County will continue to pay its portion of the group health insurance coverage. It is the responsibility of the employee to maintain his/her portion of the health premium either through payroll deduction if on paid leave status or by submitting a check payable to the insurance carrier to the Human Resources Department no later than the twenty-fifth of the month if on unpaid qualifying leave. If the employee fails to return from leave, the County may elect to recover the premium paid during the leave period in a manner consistent with the law. Likewise, the County will not make any payments for voluntary benefits on behalf of the employee while on a qualifying leave unless the employee has sufficient funds through payroll deduction to cover the premiums or the employee submits payment directly to the Human Resources Department. Other earned benefits such as seniority do not accrue when an unpaid qualifying leave exceeds thirty days unless altering the benefit would constitute a violation of the Act. Anniversary dates will be adjusted to reflect any unpaid leave of absence of over thirty days.
- i. An employee will be returned to his or her original position or to a position with equivalent pay and benefits upon return from a qualifying leave subject to certain limitations contained in the Act.



## **Section 5-15: Leave Accruals Paid at Separation**

Employees are paid for accrued leave as set forth below at the time of retirement, resignation, termination or death:

a. Sick Leave

1. Effective July 1, 2004, eligible employees will be paid at separation for sick leave accrued after July 1, 2004 in the following manner. If separation occurs during the first sixty (60) months of employment, the employee will not be paid for accumulated sick leave. For a length of service between sixty one (61) and one hundred twenty (120) months, accumulated sick leave will be paid at \$2.00 per hour. For a length of service between one hundred twenty-one (121) and one hundred eighty (180) months, accumulated sick leave will be paid at \$3.00 per hour. For a length of service between one hundred eighty-one (181) and two hundred forty (240) months, accumulated sick leave will be paid at \$4.00 per hour. For a length of service beyond two hundred forty (240) months, accumulated sick leave will be paid at \$5.00 per hour.
2. Those employees in service prior to July 1, 2004 will be paid for any unused sick leave accumulated prior to July 1, 2004 in accordance with the policy in effect on June 30, 2004. That policy provided for payment of unused sick leave as follows: separation during the first twelve (12) months of service – no payment; service of thirteen (13) to sixty (60) months – 25% of final base rate of pay; service greater than sixty (60) months – 50% of final base rate of pay. For purposes of this subparagraph, service is defined

as service rendered in a leave earning position as of June 30, 2004, and final base rate of pay is defined as the base rate of pay in effect for the employee on June 30, 2004.

3. Those employees in service prior to July 1, 2004 are entitled, in addition to any settlement of sick leave accrued prior to that date, to receive settlement of any sick leave balances accrued after July 1, 2004 pursuant to the provisions of subparagraph (a) (1) above based on the total years of eligible County service. In accordance with Section 5-3 (d) of this Chapter, sick leave is debited from an employee's accrued sick leave account by using the first-in, first-out, (FIFO) method of accounting.
4. Employees who are terminated for disciplinary reasons or who fail to give proper notice of intent to resign from County service as required in these policies are not eligible and do not receive compensation for any sick leave balance.

b. Annual Leave

Employees who leave County employment after six (6) or more months of service shall be paid for all accrued annual leave up to the applicable accrual limit set forth in Section 5-2 subject to the conditions set forth in Section 12-1.

c. Paid Time Off (PTO)

Employees who leave County employment after six (6) or more months of service shall be paid for all accrued PTO leave up to the applicable accrual limit set forth in Section 5-16 provided the notice requirements set forth in Section 12-1 are met. Failure to provide the required notice set forth in Section 12-1 will result in forfeiture

of accrued PTO leave up to 80 hours.

#### **Section 5-16: Paid Time Off (PTO)**

- a. Classified employees in regular full-time positions who are members of the VRS Hybrid Plan on or after July 1, 2014, and employees in regular part-time positions who are hired or transfer into the regular part-time position on or after July 1, 2014 are eligible for Paid Time Off (PTO).
  1. Employees who are members of the VRS Hybrid Plan, and employees who are members of VRS Plan 1 or Plan 2 who elect to participate in the VRS Hybrid Plan effective July 1, 2014, will transfer accumulated annual and sick leave, if any, to their PTO account, up to the maximum PTO accrual (based on their years of service). Accumulated annual and sick leave exceeding the employee's PTO accrual limit is forfeited.

The PTO leave accrual schedule is as follows:

#### **FULL-TIME PTO LEAVE SCHEDULE**

Months of Service	Hours Earned Per Month	Hours Earned Per Year	Accrual Limit
0 through 48	12	144	144
49 through 108	14	168	168
109 through 168	16	192	192
169 and over	18	216	216

## PART-TIME PTO LEAVE SCHEDULE

Months of Service	20 Hr/Wk Employee		24 Hr/Wk Employee		32 Hr/Wk Employee	
	Hours Earned Per Month	Accrual Limit	Hours Earned Per Month	Accrual Limit	Hours Earned Per Month	Accrual Limit
0 through 48	6	72	7	84	10	120
49 through 108	7	84	8	96	11	132
109 through 168	8	96	10	120	13	156
169 and over	9	108	11	132	14	168

- b. PTO leave is earned only upon completion of a full month worked and may not be used until earned. Any PTO leave eligible employee, except a new employee who begins work after the 1<sup>st</sup> working day of the month, who works at least one-half of the full month shall earn one-half of their monthly accrual. An employee cannot use the present month's accrual during that month, as it is not earned until the end of the month. Full-time employees do not earn PTO leave while on short-term or long-term disability. PTO leave may not be taken in less than fifteen-minute increments.
- c. Probationary employees earn PTO leave at the rate of one-half of the monthly accrual amount for each full month worked during the probationary period. After successful completion of the probationary period, the employee is credited with an additional accrual of PTO leave equal to the amount earned during the probation
- d. PTO may be used to provide paid absences for any purpose including illness and supplementing short-term disability payments.

1. Scheduled Absences – PTO should be scheduled in advance for time off for vacations, personal leave appointments or other reasons. Approval is subject to supervisor approval, department staffing needs and established department procedures.
  2. Unscheduled Absences – Unscheduled absences should be kept to a minimum as they can adversely affect the operations of the department. The supervisor may require the employee provide documentation in accordance with department policy or County procedures or regulations.
  3. Supplement to Short-Term Disability Payment – Accrued PTO may be used by full-time employees wishing to increase STD payments up to 100% or full pay.
- e. Classified employees on PTO leave shall be paid their prevailing wage based on the prevailing scheduled work period. It is not the intent of this policy to allow the employee to receive additional compensation through the use of PTO leave, but to insure the employee's regular salary. Employees retain all benefits and seniority while on approved PTO leave.
- f. Employees may go over their accrual limit during the year, provided that accrued leave shall be reduced to the applicable limit by September 30th of each year. For good cause shown, the County Administrator may approve a written extension of the September 30th deadline for a stated period not to exceed four (4) months. All requests for extension must be received by the County Administrator before September 10th.
- g. Upon separation or retirement, eligible full-time and part-time employees shall be

paid for accrued PTO leave up to the accrual limit in accordance with the provisions of Section 5-15 of this Chapter. In the event of death of the employee, the employee's estate will be paid any amount due under this policy.

#### **Section 5-17: Short-Term Disability (STD)**

Classified employees in regular full-time positions who are members of the VRS Hybrid Plan are eligible for employer paid short-term disability. Short-term disability provides paid absences for illnesses or injuries including Workers' Compensation meeting criteria set forth in the Code of Virginia. Details of coverage are available from the Human Resources Department.

#### **Section 5-18: Long-Term Disability (LTD)**

Classified employees in regular full-time positions who are members of the VRS Hybrid Plan are eligible for Long-Term Disability in accordance with the provisions implemented under the Code of Virginia. Details of coverage are available from the Human Resources Department.