

ARTICLE VI. HOLIDAYS AND LEAVE

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Section 1. Policy

The policy of the County is to provide annual leave, sick leave, and holiday leave to all full-time and eligible part-time employees in a regular position with the County.

Section 2. Paid Holidays Observed

The following holidays, and such others as the Board of County Commissioners may designate, shall be observed by County offices and shall be counted as paid holidays:

New Year's Day, Martin Luther King, Jr. Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving (2 days), Christmas (see schedule below)*

Christmas Holiday*	Leave Day
Monday	Monday, Tuesday
Tuesday	Monday, Tuesday
Wednesday	Tuesday, Wednesday
Thursday	Wednesday, Thursday
Friday	Thursday, Friday
Saturday	Friday, Monday
Sunday	Friday, Monday

*Days observed may vary to coincide with North Carolina State government holidays.

All full time employees appointed to a permanently established position, and all eligible part-time employees shall receive eight hours of paid time off based on these holidays or will receive eight hours of holiday pay. Employees not eligible for paid holidays include convenience center operators, EMTs, telecommunicators, jailors, and deputies who are employed only on a part time basis or do not work a regular schedule.

Section 3. Effect of Holidays on Other Types of Paid Leave.

Holidays that occur during vacation, sick, or other paid leave period shall not be charged as vacation, sick, or other paid leave.

Section 4. Holidays: Compensation When Work is Required.

Non-exempt employees required to perform work on regularly scheduled holidays will receive eight hours of holiday pay and will be granted compensatory time at an hour-for-hour rate for each hour worked on the holiday. Any hours actually worked over 40 in a

seven-day period will be paid at time and a half. Any additional pay for holiday hours worked will be at the discretion of the Board of County Commissioners. Employees in Emergency Medical Services, Sheriff's Department, Communications, and Landfill, who, by the nature of their position are required to work on a holiday, may be granted floating holidays or may be granted eight hours of holiday pay in lieu of taking a floating holiday.

An exempt employee required to work on a regularly scheduled holiday will receive bonus time at an hour-for-hour rate for each hour worked.

Section 5. Adverse Conditions Leave

County departments shall remain open for the full scheduled workday unless authorization for delayed opening or early closing or other deviation is received from the County Manager's office. All departments and offices will be given sufficient advance notice of any authorized delay or early closings. Adverse Weather Leave announcements will be made on local radio and television stations as to the time employees are required to report.

Employees who report for work late or leave work before an official early closing time will be required to use annual leave in order to total eight hours for the workday including weather leave hours. Employees who do not report to work or report to work for less than four hours during a weather leave period will not receive credit for weather leave and will be required to substitute annual leave to amount to eight hours for the workday. If weather, or other conditions warrant, county offices will be closed and employees will not be expected to report to work. In such instances, employees will be granted eight hours of weather leave.

Employees in the Sheriff's Dept, Emergency Medical Services, Communicatons Center, Landfill, and others who, because of their position, are required to work during a weather leave period will not receive additional hours of credit for weather leave. Employees who arrive at work before weather leave reporting times or those who leave work after weather release times will not receive additional credit for weather leave. Employees taking annual leave or sick leave and those not scheduled to work during weather leave will not receive credit for weather leave.

Section 6. Annual Leave

Annual leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Any compensatory time earned by the employee should be used prior to using annual leave.

Section 7. Calendar Year

For the purpose of earning and accruing annual leave, the twelve (12) calendar month periods between January 1 and December 31 is established as the leave year.

Section 8. Annual Leave Use By Probationary Employees.

Employees serving a probationary period following initial appointment shall not be permitted to take annual leave during the first six (6) months of the probationary period unless the denial of such leave will create an unusual hardship. Any annual leave granted during this period shall have prior approval of the County Manager.

Section 9. Annual Leave Accrual Rate

Each regularly salaried employee occupying a regularly established budgeted position shall earn annual leave on a monthly basis in accordance with the following schedule of total service, prorated by the average number of hours in the workweek:

<u>Years of Service</u>	<u>Hours Per Month</u>
Less than 2	7.83 hrs
2 to 5	9.17 hrs
5 to 10	11.17 hrs
10 to 15	13.17 hrs
15 to 20	15.17 hrs
20 +	17.17 hrs

Regularly scheduled part-time employees, working more than 30 hours per week, shall earn leave on the above schedule on a pro-rated basis. Employees hired prior to the 15th of each month are eligible for a full accrual for the month hired. Employees hired after the 15th will get no accrual in the month hired.

Section 10. Annual Leave: Maximum Accumulation

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours.

At the end of the calendar year, those employees having accrued annual leave in excess of 30 days or 240 hours may transfer this unused annual leave to sick leave, hour for hour. This converted annual leave can then be used for any authorized sick leave purposes, including creditable service at the time of retirement in accordance with the Local Government Retirement System provisions.

Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time.

Section 11. Annual Leave: Manner of Taking

Annual leave shall be taken with the prior approval of the employee's Department Head or Supervisor. Employees shall be granted the use of earned annual leave upon request in advance at those times designated by the department head which will least obstruct

normal operations of the County. Department heads are responsible for insuring that approved annual leave does not hinder the effectiveness of service delivery.

Section 11 a. Annual Leave: Advanced Leave

When annual leave, compensatory time, and sick leave have been exhausted, annual leave may be advanced to an employee in good standing in special hardship cases due to catastrophic injury or illness of the employee or immediate family member. Annual leave may only be advanced to an employee who has at least one year of employment with the county and has received a positive rating on the most recent performance evaluation. Annual leave advanced in this manner may be used as sick leave, but the amount of leave advanced may not exceed 160 hours. Employees seeking advanced leave must complete the Advanced Leave Request Form, and advanced leave must be approved by the county manager. After returning to work, advanced annual leave will be "repaid" at the current annual leave rate earned by the employee. After returning to work following the advancement of leave, an employee may not use annual leave until the advancement has been repaid.

Section 12. Annual Leave: Payment Upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for annual leave accumulated to the date of separation, not to exceed a maximum of 240 hours; provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the County Manager when deemed to be in the best interest of the County. Employees who are involuntarily separated may receive payment for accumulated annual leave subject to the 30 day maximum and based on the individual circumstances as determined and approved by the County Manager.

Any advanced annual leave owed the County shall be deducted from the employee's final compensation.

Section 13. Annual Leave: Payment Upon Death

The estate or designated beneficiary of an employee who dies while employed by the County shall be entitled to payment for all the accumulated vacation leave credited to the employee's account.

Section 14. Sick Leave.

Sick leave with pay is not a right which an employee may demand, but a privilege granted for the benefit of an employee when sick.

Employees may be granted sick leave for absence due to the following:

1. Sickness or bodily injury of the employee that prevents them from performing their regular duties; and/or medical or dental appointments of the employee.
2. Sickness or bodily injury of an employee's immediate family member, residing in the same household, and/or medical or dental appointments for an immediate family member, that meets the FMLA definitions and limits.
3. The actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom. A doctor's certificate is required to verify the employee's period of temporary disability for these reasons.
4. Exposure to a contagious disease when continuing work might jeopardize the health of others.
5. Death in the employee's immediate family (the employee's spouse, parent, child, sibling, guardian, grandchild and grandparent, as well as the various combinations of half, step, in-law and adopted relationships that can be derived from those family members named herein) not to exceed three (3) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the County Manager.
6. To supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining salary, except that employees may not exceed their regular salary amount using this provision.

Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or no later than one (1) hour after the beginning of a scheduled work day. Sick leave may only be taken with the approval of the immediate supervisor. Failure to notify and/or obtain approval appropriately may result in disciplinary action.

Section 15. Sick Leave: Accrual Rate and Accumulation

Each regular salaried employee occupying a regularly established, budgeted position shall earn sick leave on a monthly basis, at the rate of one (1) day per calendar month. Sick leave for employees working other than the normal 40 hour workweek schedule shall be prorated as described in this Article. Sick leave will be cumulative for an unlimited number of days.

At the time of separation, any sick leave owed the County shall be deducted from the employee's final compensation.

Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employee's Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the County, except as stated for employees retiring or terminated due to reduction in force.

Any compensatory time earned by an employee shall be taken first prior to using the sick leave account.

Section 16. Sick Leave: Medical Certification

The employee's department head or the County Manager may require a statement from the physician specifying the nature of the employee's or immediate family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a pattern of absenteeism". At the expiration of an authorized sick leave period, the employee's Department Head or the County Manager may require a physical and/or mental examination, at the County's expense. The employee may be required to submit to such medical examination or inquiry as the department head deems necessary. The Department Head shall be responsible for the application of this provision to the end that:

1. Employees shall not be on duty when they might endanger their health or the health of other employees; and
2. There will be no abuse of leave privileges.

Claiming sick leave under false pretenses to obtain a day off with pay shall subject the employee to disciplinary action.

Section 17. Sick Leave: Transfer from Other Governmental Agencies

Unused sick leave earned from another North Carolina State or local governmental agency and/or entity will be accepted and transferred to the County as follows:

1. Verification received in hours will be calculated and accepted in days reverting to the nearest whole.
2. The total number of days accepted as transferred will be added to the record after completion of the six (6) month probationary period.
3. Verification of accumulated sick leave must be received in writing from previous employer.
4. The transfer must be completed within three (3) years from the employee's last workday with the previous employer.

G. No employee shall be paid for any accrued sick leave if the employee is terminated.

Section 18. Leave Pro-Rated

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer

or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic workweek (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

Section 19. Family and Medical Leave Act

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In compliance with the Family and Medical Leave Act of 1993, (FMLA), all permanent employees who have been employed with Alexander County at least twelve months and who have worked at least 1,250 hours in the previous 12-month period for the County are eligible for up to twelve (12) workweeks, paid or unpaid, as appropriate, of FMLA leave for a 12-month period for certain family and medical reasons, as defined by the act. The County shall use a "rolling 12-month period to measure backward from the date an employee uses any FMLA Leave.

FMLA leave may be taken: (1) to care for the employee's newborn child, or the placement of a child in the employee's home through adoption or foster care; (2) to care for the employee's spouse, child, or parent (not including in-laws) who has a serious health condition; (3) for a serious health condition that makes the employee unable to perform his/her job.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.

FMLA leave may be requested for any eligible reason. The County may designate otherwise qualified leave as paid or unpaid. The County must designate qualifying paid leave as FMLA leave prior to the leave being taken.

An employee taking leave for the birth of a child may use paid sick leave for the period based on medical certification. The employee shall then use all paid vacation for the remainder of the 12 week period.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent

(not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

Employees are required to exhaust accrued paid leave prior to taking leave without pay for purposes normally eligible for paid leave. However, paid leave for non-FMLA eligible purposes will not count against the 12 weeks of FMLA leave. For example, employees may take up to 3 days of sick leave for a death in the immediate family. This paid leave would not count toward the 12 weeks of unpaid FMLA leave.

Section 20. FMLA: Medical Certification

The employee is required to provide 30 days advance notification of the need to use unpaid FMLA leave, when possible.

In order to qualify for leave under this law, the County may require medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the Department Head and forwarded to the County Manager.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the County's Leave Without Pay policy

Section 21. FMLA: Retention and Continuation of Benefits and Medical Certification

Insurance Benefits

An employee's health coverage will be maintained during FMLA leave at the same level and status as during regular work periods. An employee must make arrangements for his/her normal share of cost when taking FMLA leave. An employee failing to return to work, for reasons other than a continued serious health condition, will be required to reimburse the County for the employee's health insurance premiums during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

Annual and Sick Leave Benefits

An employee's annual and sick leave will continue to accrue at the same rate as when he/she is on the job.

Job Retention

Otherwise qualified employees taking FMLA leave must be returned to the same or equivalent position, including status, pay benefits, and other employment terms, upon returning to work. The position will be the same or one, which entails substantially equivalent skill, effort, responsibility, and authority. Employees will not lose seniority or seniority-based benefits.

Section 22. FMLA: Other Definitions and Issues

All definitions and issues not covered in the policy will be governed by regulations and interpretations of the FMLA of 1993.

Section 23. Leave Without Pay

A regular full or part-time employee may be granted a leave of absence without pay for a period of up to six months by the County Manager and after consultation with the Board of County Commissioners. The leave shall be used for reasons of personal disability after both sick leave and desired amount of annual leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the County Manager.

The employee shall apply in writing to the Department Head for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager.

Vacation and sick leave credits will not be accrued during non-FMLA leave. Employees may continue health and dental coverage and other benefits during non-FMLA leave at the employee's expense.

Upon returning to duty after being on approved leave without pay, an employee will be returned to the position they left when the leave began or to an equivalent position with the same benefits, pay, and other terms and conditions of employment as before the leave. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report for duty upon expiration of approved leave unless an extension has been requested and approved will be considered a resignation.

Section 24. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North

Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the County's group insurance plans.

Section 25. Military Leave

A regular employee who is a member of the National Guard or Armed Forces Reserve will be allowed ten (10) workdays of military training leave annually, with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as an active employee, the employee shall receive partial compensation equal to the difference in the base salary earned as a reservist or a guardsman and pay that would have been earned during this same period as a County employee. The effect will be to maintain the employee's pay at the normal level during this ten (10) workday period. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If such military duty is required beyond this ten (10) workday period, the employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.

While on military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee remained with the County during this period. Employees who are guardsmen and reservists have all job rights specified in the Vietnam Veterans Readjustment Assistance Act.

Section 26. Reinstatement Following Military Service

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

1. Applies for reinstatement within ninety days after the release from military service; and
2. Is able to perform the duties of the former position or similar position; or
3. Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of military service, but is able to perform the duties of another position in the service of the County. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Section 27. Court Leave

A County employee called for jury duty or as a court witness for the federal or state government, or a subdivision thereof, shall receive leave with pay only for the period of absence required by the court without charge to accumulated leave. The employee is entitled to regular compensation, plus fees received for jury or witness duty; except that employees must turn over to the County any witness fees or travel allowance awarded by that court for court appearances in connection with official duties with the County. While on Court Leave, benefits and leave shall accrue as though on regular duty.

Employees must return to work for any portion of the day remaining, immediately upon being excused from duty.

Section 28. Educational Leave with Pay

A leave of absence at full or partial pay (50% of current salary) for a period not to exceed sixty (60) working days may be granted upon the recommendation of the Department Head and with the approval of the County Manager, to take courses of study that will better equip the employee to perform his or her duties for the County. A leave of absence at partial pay for a period not to exceed nine (9) months may be granted for the same purpose, but only upon the recommendation of the department head and the County Manager with the approval of the Board of County Commissioners. An employee on educational leave with full pay shall continue to earn leave credits and other benefits to which County employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits. Any employee granted such leave must pledge at least 3 months service to the County for every thirty (30) days of educational leave.

Section 29. Child Involvement Leave

On January 1 of each year employees will be credited with four (4) hours paid leave time to attend activities at school. Employees may take leave to:

1. Meet with a teacher or administrator of any elementary school, middle or junior high school, high school, college, or child care program authorized to operate under the laws of the State of NC, concerning the employee's children, stepchildren, or foster children.
2. Attend any function sponsored by the school or childcare program in which said children are participating.
3. Perform volunteer work approved by a teacher, school or program administrator.

Employees may take said leave under the following policy:

1. Leave time will be taken at a mutually agreed upon time between the immediate supervisor and the employee.
2. Employees will provide a request at least 48 hours before the leave is taken, unless exempted by the supervisor.
3. Employees will provide evidence they attended a school event.
4. Leave will be documented on time sheets.