
CHAPTER 11

LEAVE

11.1 INTRODUCTION

- A. The purpose of this policy is to provide eligible employees with paid and/or unpaid time off from work and to establish guidelines for the accrual and use of the available types of leave.
- B. Accrual of leave is a privilege and any abuse of leave usage may result in disciplinary action, up to and including termination.

11.2 DEFINITIONS

Administrative Leave – Paid leave granted by County Administration to an employee for absences due to reasons other than annual, sick, military, or bereavement.

Annual Leave – Paid leave provided for absences during regularly scheduled work hours that have been approved by the Department Director/Constitutional Officer or designee for vacation or absences in excess of hours available for other types of paid leave.

Bereavement Leave – Paid leave provided to an employee due to the death of an immediate family member.

Calendar Year – January 1st through December 31st of a given year.

Civil Leave – Any absence necessary for serving on a jury or attending court pursuant to a summons or subpoena.

Compensatory Time – Paid leave earned by a non-exempt employee in lieu of cash payment for overtime worked.

Effective Date - The first of the month following 30 consecutive days of eligible employment.

Essential Operations – Any department or position that may be scheduled to work irrespective of weather conditions and/or when general County offices are closed.

Full-Time Equivalency (FTE) – A work schedule based on the average number of work hours assigned to a position of an eligible employee.

Holiday Leave – A specified day(s) that an eligible full-time employee does not work in observance of a County designated holiday.

Leave Anniversary Date – The date that an employee first becomes eligible to accrue leave.

Leave Without Pay (LWOP) – Unpaid time off from work.

Liberal Leave Policy - A policy that permits employees to take Annual Leave, Compensatory Time, and/or Leave Without Pay (LWOP) without having requested it in advance when County offices are open during inclement weather.

Military Leave – Leave provided consistent with the Virginia Code and the Uniform Services Employment and Reemployment Act of 1994.

Protected Leave - Absences covered by Family Medical Leave Act; same or equivalent job guaranteed.

Sick Leave – Paid leave provided to an employee for his/her own illness or injury or to care for a family member's illness or injury.

Unprotected Leave - Absences are not covered by Family Medical Leave Act; no job protection for same position or equivalent position.

Workday - The hours an employee is scheduled to be at work on a given day.

11.3 GENERAL

- A. This policy applies to all County employees subject to the County's Personnel Policies and Procedures Manual unless otherwise specified.
- B. Administrative Leave, Annual Leave, Compensatory Time and/or Sick Leave may not be transferred from one employee to another for any reason, with the exception of Sick Leave Bank contributions.
- C. For the purposes of this chapter, eligible employees who are regular full-time or regular part-time and work a minimum of twenty hours per workweek, and who are covered under the County's Personnel Policies and Procedures Manual are eligible to accrue leave.
- D. Leave may be protected or unprotected based on FMLA and/or Workers' Compensation laws and/or Administrative Leave.

11.4 TYPES OF LEAVE

- A. Administrative Leave
 - 1. Circumstances that may give rise to Administrative Leave include, but are not limited to:
 - a. Severe weather conditions
 - b. Unsanitary or unsafe working conditions
 - c. Death of a County employee

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- d. Disciplinary investigation
 - e. Instances deemed appropriate by the County Administrator
2. Administrative Leave may only be substituted for prior approved Annual, Sick, and/or Compensatory Time when County offices are closed due to inclement weather or when approved by the County Administrator.
- B. Annual Leave
1. Accrual
- a. ~~The effective date for annual leave accrual shall be~~ the first of the month following ~~the date of hire. However, if the employee is hired on the first day of the month, accrual will begin as of that date.~~
 - b. Annual Leave shall accrue semi-monthly and shall not be advanced.
 - c. Annual Leave shall not accrue when an employee is on unprotected Leave Without Pay for 30 consecutive calendar days.
 - d. The amount of Annual Leave that an eligible employee accrues semi-monthly shall be based upon the employee's continuous length of service and on his/her leave anniversary date as shown in the following chart.

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FULL-TIME ANNUAL LEAVE TABLE SEMI-MONTHLY BASIS		
Years of Service	Annual Leave	Days Earned Each Year
1 – 5 yrs.	4 hours	12
5 yrs. and over, but less than 10	5 hours	15
10 yrs. and over, but less than 15	6 hours	18
15 yrs. and over, but less than 20	7 hours	21
20 yrs. and over	8 hours	24

- Maximum accumulation – 36 days (288 hours)

FULL-TIME 24/7 FREM Employees Only ANNUAL LEAVE TABLE SEMI-MONTHLY BASIS		
Years of Service	Annual Leave	Hours Earned Each Year
less than 5	6 hours	144
5 and over, but less than 10	7 hours	168
10 and over, but less than 15	9 hours	216
15 and over, but less than 20	10 hours	240
20 and over	12 hours	288

- Maximum accumulation – 403 hours

FREM Personnel Annual Leave Conversion

The accrued annual leave for FREM employees who because of a change in positions which results in a change in work schedule is converted as follows:

1. If the change is from a 2912-hour per annum work schedule to a 2080-hour work schedule, the total accrued hours are divided by a factor of 1.4.
2. If the change is from a 2080-hour per annum work schedule to a 2912-hour work schedule, the total accrued hours are multiplied by a factor of 1.4.
 - a. An eligible part-time employee with an assigned full-time equivalency shall accrue pro-rated Annual Leave based upon the employee's continuous length of service and his/her leave anniversary date as shown in the following chart.
 - i. Full-time equivalency shall be evaluated periodically or when the employee's schedule changes by the Department Director/Constitutional Officer.

PART-TIME					
ANNUAL LEAVE TABLE					
SEMI-MONTHLY BASIS					
Full-time Equivalency	Less than 5 years	5 and over, but less than 10	10 and over, but less than 15	15 and over, but less than 20	20 and over
.50	2.00 hrs.	2.50 hrs.	3.00 hrs.	3.50 hrs.	4.00 hrs.
.63	2.50 hrs.	3.25 hrs.	3.75 hrs.	4.50 hrs.	5.00 hrs.
.75	3.00 hrs.	3.75 hrs.	4.50 hrs.	5.25 hrs.	6.00 hrs.
.88	3.50 hrs.	4.25 hrs.	5.00 hrs.	6.00 hrs.	7.00 hrs.

- Maximum accumulation – 148 hours

3. Forfeiture of Annual Leave
 - a. Annual Leave exceeding the maximum allowable accumulation shall be converted to Sick Leave. The conversion to Sick Leave shall occur during the pay period in which the employee became eligible for leave accrual.

4. Requesting Use of Annual Leave

- a. Employees shall request use of Annual Leave in advance on the department's appropriate form.
- b. Annual Leave requests shall be given every consideration. All Annual Leave requests are subject to approval by the Department Director/Constitutional Officer or their designee who is responsible for staffing levels.
- c. Annual Leave may be taken in quarter hour increments (.25).

5. Annual Leave Payout

- a. An employee who voluntarily separates from County employment or an employee who ceases to qualify for Annual Leave accrual, shall be compensated for his/her Annual Leave balance up to the maximum number of hours allowed based upon the employee's continuous length of service.
- b. In the event of an employee's death, his/her estate shall receive payment for any accumulated Annual Leave to which he/she is entitled.

C. Bereavement Leave

- 1. An employee may be granted up to three consecutive calendar workdays of Bereavement Leave for the death of any of the following, to include step and in-laws:
 - a. Spouse
 - b. Child/foster child; dependent living in same household
 - c. Parent/Guardian; Grandparent; or Grandchild
 - d. Sibling
- 2. Bereavement Leave is to be used within two weeks of the loss of an immediate family member, unless there are extenuating circumstances that require the use of this leave after the typical two week period aforementioned. Additional documentation may be requested prior to approval of Bereavement Leave requested for use after the typical two week period.
- 3. Up to two additional days of Bereavement Leave may be granted if employee is traveling to bereavement activities located in excess of 150 miles from residence.

4. Requesting Use of Bereavement Leave

An employee that experiences a loss that fits the criteria listed above may request Bereavement Leave by submitting a Bereavement Leave Request form to the Human Resources Department. The Director of Human Resources or designee must approve Bereavement Leave Requests.

5. Leave due to the death of anyone not listed above shall be charged to Annual Leave, Compensatory Time, Sick Leave and/or Leave Without Pay.

D. Civil Leave

1. Leave with full pay may be granted for any absence necessary for performing jury duty service or attending court pursuant to a summons or subpoena.
2. If jury duty concludes prior to the end of the employee's regularly assigned work hours, the employee is required to report to work as soon as possible after jury duty has ended or take Annual Leave and/or Compensatory Time for the remainder of the employee's work day unless otherwise authorized by the Department Director/Constitutional Officer.
 - a. However, no employee who appears for jury duty for four or more hours in one day (including travel time) shall be required to start any work shift that begins on or after 5:00 p.m. the day of his/her appearance for jury duty, or begins before 3:00 a.m. on the day following the day of such appearance.
3. County employees that attend court as a result of their job duties will have their time at court compensated as work hours. The provisions for jury duty will apply.
4. For any period of time that an employee appears in court on personal business, to accompany a dependent child legally required to appear or as an expert witness for compensation, the employee shall be charged with Annual Leave, Compensatory Time or Leave Without Pay. The use of leave will not be required if the employee has a summons or subpoena to appear as a victim.

E. Compensatory Time

1. In compliance with FLSA regulations, only non-exempt employees are eligible to earn Compensatory Time.
2. Compensatory Time accrues at a rate of one and one-half hours for each hour worked beyond the maximum scheduled hours in a work period in accordance with FLSA regulations.

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3. The Department Director/Constitutional Officer and the employee shall mutually agree prior to the employee working any overtime as to whether the overtime hours shall be recorded as Compensatory Time or shall be paid through direct deposit.
 4. An employee may accrue a maximum of eighty hours of Compensatory Time. FREM employees that work a 54.5-hour or greater workweek may accrue a maximum of 112 hours of Compensatory Time.

All overtime earned above the maximum allowed shall be paid through direct deposit.
 5. Compensatory Time may be taken in quarter hour increments (.25).
 6. An employee shall be permitted to use Compensatory Time within a reasonable period of his/her request, unless to do so would unduly disrupt the department's operations.
 - a. All Compensatory Time requests are subject to approval by the Department Director/Constitutional Officer who is responsible for staffing levels.
 - b. The employee shall request permission to use Compensatory Time in advance following the same procedures as for use of Annual or Sick Leave.
 - c. FREM employees transitioning from a 40-hour workweek to a 54.5-hour or greater workweek or vice versa are required to use or receive pay in lieu for Compensatory Time prior to transitioning to a different work schedule cycle.
 7. A non-exempt employee who is transferred to another department or promoted to an exempt position shall reach an agreement to use any accumulated Compensatory Time or to be paid for the unused balance prior to assuming the new position.
 8. An employee that has accumulated the maximum amount of allowable Compensatory Time may receive payment for accumulated Compensatory Time if:
 - a. Request for Compensatory Time Payout is completed and approved by the Department Director or Constitutional Officer.
 - b. Approved request for Compensatory Time Payout is submitted to Human Resources Department for review.
 - c. County Administrator or designee provides final approval of request for payout.

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- d. Full Compensatory Time balance payout is requested. Partial balance payouts will not be authorized.

Requests for Compensatory Time payout may be prohibited based on budgetary constraints and/or frequency of requests within a given calendar year.

- 9. An employee separating from County employment shall receive payment for all Compensatory Time earned at his/her current regular hourly rate.
 - a. In the event of an employee's death, his/her estate shall receive payment for any accumulated Compensatory Time to which he/she is entitled.
- 10. Exempt employees are ineligible to earn overtime, including Compensatory Time.
 - a. The Department Director/Constitutional Officer may use his/her discretion to grant time off to exempt employees in recognition of time worked beyond their normal schedule.

F. Leave Without Pay (LWOP)

- 1. Leave Without Pay shall not be granted until all other applicable leave has been exhausted.
- 2. Leave Without Pay shall not be counted as hours worked for the purpose of calculating overtime regardless of protection status.
- 3. Leave Without Pay may be taken in quarter hour increments (.25).
- 4. Unprotected Leave Without Pay
 - a. Department Directors/Constitutional Officers may approve up to three days in a month of unprotected Leave Without Pay for an employee.
 - b. Department Directors/Constitutional Officers shall notify the Department of Human Resources by submitting the required Leave Without Pay Request form when an employee enters an unpaid unprotected status.
 - c. The County Administrator must approve any unprotected Leave Without Pay in excess of three days of work scheduled in a month.
 - 1. The County Administrator, under extenuating circumstances, may grant approval for unprotected Leave Without Pay not to exceed six months.

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- d. Annual Leave and Sick Leave shall not accrue when an employee is on unprotected Leave Without Pay for a complete pay period.
 - e. Unapproved unprotected Leave Without Pay may be grounds for disciplinary action, up to and including termination.
 - f. An employee on approved unprotected Leave Without Pay for 30 consecutive days is responsible for making all necessary payments including the County's portion for any mandatory and/or automatic deductions taken through payroll (i.e., health insurance premiums, VRS retirement, VRS life insurance premiums, optional premiums and/or deferred compensation premiums).
 - g. An employee on approved unprotected Leave Without Pay will not receive holiday pay.

G. Liberal Leave Policy

1. When County Offices Are Open

- a. When County offices are open during inclement weather, a Liberal Leave Policy may be in effect for those employees in non-essential positions. Under the Liberal Leave Policy, employees may use Annual Leave, Compensatory Time, and/or Leave Without Pay without having to request it in advance.
- b. An employee shall notify his/her immediate supervisor as soon as possible whenever he/she will be late or absent during scheduled work hours.
- c. The employee, upon returning to work, shall request leave on the department's appropriate form for any time that he/she was absent from work while County offices were open.

2. When County Offices Are Closed

- a. When County offices are declared closed by the County Administrator, non-essential employees shall be released from duty and shall be placed on Administrative Leave with pay for those hours that the employee would have normally worked.
 - i. If a re-opening time is not declared, it is presumed to be 12:01 a.m. of the next calendar day. Unless announced to the contrary, employees should report to work as scheduled.

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- b. In the interest of employee safety and well-being, non-essential employees may not report to work unless they have received advance approval by their supervisor.
 - i. If a non-essential employee works without approval, the employee may be subject to disciplinary action.
 - c. An employee who requested Annual Leave, Sick Leave or Compensatory Time prior to County offices closing shall not be charged for any time that his/her approved leave coincided with the period that County offices were closed.

H. Military Leave

- 1. Employees called to active Military Service shall be provided Military Leave that is consistent with the Virginia Code and the Uniform Services Employment and Reemployment Act of 1994.
- 2. An employee called to active Military Service on Military Leave Without Pay and who is earning less than his/her current County base salary shall be subject to a military supplement providing the employee has provided the proper County required documentation to the Department of Human Resources.
 - a. The Military supplement shall be computed on the difference between the employee's base salary and the employee's military salary, including any military allowances that may apply.
- 3. For FREM employees who work a 54.5-hour or greater workweek, the definition of "one day" for military leave shall mean 1/260 of the total working hours using a 2912-hour per annum work schedule.
- 4. Employees called to active Military Service shall be responsible for his/her share of any benefits he/she wishes to continue while on active duty. If payment is not made, benefits will be temporarily suspended and reinstated upon return to work at the County.
- 5. Payments shall be deducted each pay period from the military supplement if the employee wishes to continue the County employment benefits. He/she shall pay in advance if the military supplement is not sufficient to cover the associated costs.

I. Sick Leave

Sick Leave is paid leave provided to prevent financial hardship should illness necessitate an absence from work.

1. Accrual

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- a. Regardless of length of service, regular full-time employees accrue 4 hours of Sick Leave semi-monthly. Sick Leave shall begin to accrue the first of the month following 30 consecutive days of eligible employment.
 - i. If eligibility is interrupted, the thirty consecutive day waiting period shall be applicable.
 - b. Sick Leave shall accrue semi-monthly and shall not be advanced.
 - c. Sick Leave shall not accrue when an employee is on unprotected Leave Without Pay for 30 consecutive calendar days.
 - d. For FREM employees that work a 54.5-hour or greater workweek, one day of sick leave will be defined as 12 hours for accrual purposes.
 - i. **FREM Personnel Sick Leave Conversion**

The accrued Sick Leave for employee of FREM who incur a change in work schedule is converted as follows:
 - a. If the change is from a 2912-hour per annum work schedule to a 2080-hour work schedule, the total accrued hours are divided by a factor of 1.4.
 - b. If the change is from a 2080-hour per annum work schedule to a 2912-hour work schedule, the total accrued hours are multiplied by a factor of 1.4.
 - e. An eligible employee with an assigned full-time equivalency to his/her position shall accrue Sick Leave proportionate to hours worked regardless of the employee's continuous length of service and his/her leave anniversary date as shown in the following chart.

SICK LEAVE ACCRUAL SEMI-MONTHLY REGULAR PART-TIME EMPLOYEES*	
Full Time Equivalency	Hours Earned
.50 (20 hours per week)	2 hours
.63 (25 hours per week)	2.5 hours
.75 (30 hours per week)	3 hours
.88 (35 hours per week)	3.5 hours
1.00 (40 hours per week)	4 hours

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- i. Full-time equivalency shall be evaluated periodically or when the employee's schedule changes by the Department Director/Constitutional Officer.
 - f. There is no limit on Sick Leave accrual.
 - 2. Requesting Use of Sick Leave
 - a. An employee who is unable to work due to illness or injury is responsible for contacting his/her immediate supervisor prior to the scheduled work start time on the day of absence.
 - b. The employee shall complete the department's appropriate form immediately upon return to work to the Department Director/Constitutional Officer or their designee who is responsible to manage staffing levels.
 - c. Sick Leave may be taken in quarter hour increments (.25).
 - 3. Using Sick Leave
 - a. An employee may use Sick Leave for his/her own illness, injury or to provide care for a family member.
 - b. An employee may use Sick Leave if he/she has been exposed to a contagious illness and his/her presence on the job may jeopardize the health of others.
 - c. Medical Appointment – an employee may use Sick Leave for a medical appointment or for the medical appointment of a family member.
 - i. Employees shall seek approval in advance by the Department Director/Constitutional Officer when such appointments cannot reasonably be scheduled during non-work hours.
 - ii. Sick Leave shall include travel time between the job site and the healthcare provider.
 - d. Pregnancy – any request to use Sick Leave during an employee's pregnancy shall be handled in the same manner as any other temporary disability.
 - 4. Doctor's Statement

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- a. The Department Director/Constitutional Officer, at his/her discretion, may require an employee to present a healthcare provider's statement for the use of Sick Leave.
 - b. The Department Director/Constitutional Officer is required to notify the Department of Human Resources if an employee is on Sick Leave for five or more consecutive workdays.
 - i. The Department of Human Resources shall determine if the employee's illness, injury or disability qualifies for leave under Family Medical Leave Act.
 - c. If an employee is placed on Family Medical Leave, the Department Director/Constitutional Officer shall require a statement from the attending healthcare provider authorizing the employee to return to his/her normal work duties prior to his/her return to work. Sick Leave shall not be approved until the employee presents this statement for the period requested.

5. Sick Leave Payout

- a. An employee who voluntarily separates from County employment or an employee who ceases to qualify for Sick Leave accrual shall be compensated for 25% of accrued Sick Leave, up to the maximum dollar amount allowed based on the employee's length of service as shown in the following chart.

SICK LEAVE PAYOUT TABLE		
YEARS OF SERVICE	MAXIMUM SICK LEAVE PAYMENT	
	FULL-TIME	PART-TIME
Less than 5 years	\$500	\$250
5 years and over, but less than 10 years	\$1,000	\$500
10 years and over, but less than 15 years	\$1,500	\$750
15 years and over, but less than 20 years	\$2,000	\$1,000
20 years and over, but less than 25 years	\$2,500	\$1,250
25 years and over	\$3,000	\$1,500

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- b. In the event of an employee's death, his/her estate shall receive payment for any accumulated Sick Leave to which he/she is entitled.