

## SECTION 10B – EMPLOYEE LEAVE

A. Purpose: This policy defines the terms and conditions, and processes under which eligible employees may be granted absence from work, with pay. The purpose of leave will be at the discretion of the employee for the reasons of illness, funeral, emergencies, or personal circumstances. Paid Time Off (PTO) and administrative leave are benefits provided by the County for the welfare of its employees. Military, Court or Jury Leave, and Family Medical Leave covered under the Family Medical Leave Act, are provided to employees by law.

B. Paid Time Off (PTO): A reasonable period of time away from the job is conducive to the good health and wellbeing of the employee and can have a refreshing effect that is to the advantage of the employee as well as to the County.

1. PTO Accrual:

(a) The County awards Paid Time Off (PTO) to all eligible employees. PTO is accrued based on the number of regular hours worked and the years of continuous employment with Sevier County. Regular full-time employees shall accrue PTO at the rates designated in the following PTO Chart: (The following accrual rates include twelve (12) paid holidays for eligible employees)

Years of Service	Full-Time 40 hrs a week	Yearly Accrual (8 hour days)
0 to 5 years	8.92 hrs per pay period	29 days (232 hrs)
5 to 10 years	9.85 hrs per pay period	32 days (256 hrs)
10 to 15 years	11.08 hrs per pay period	36 days (288 hrs)
15+ years	12.62 hrs per pay period	41 days (328 hrs)

(b) As indicated in the PTO Chart, an employee with 0 to 5 years of service, working 40 hours a week, may accumulate 8.92 hours per pay period; beginning the fifth year of consecutive service the employee may then accumulate 9.85 hours per pay period, etc. Part-time employees (less than 40 hours per week) will not be eligible for PTO accrual.

(c) PTO eligibility is determined by the month in which employment begins. PTO accrual begins with the first day of employee's employment.

(d) PTO accrual rates will increase according to the table above and will change with the payroll period in which the employee's anniversary date occurs.

(e) PTO does not accrue during unpaid leave, or leave during which an employee receives compensation from any County sponsored program, such as disability, military or workers compensation leave.

(f) Employees that are rehired to County employment will not receive prior service credit for the calculation of leave accrual.

(g) Elected Officials are not eligible for Paid Time Off (PTO) accrual.

(h) The Human Resource office keeps the official record of accrued PTO.

1. Maximum Accrual: Unused accrued PTO may be carried forward to succeeding years up to a maximum of 520 hours. Once the 520 hour cap is reached, no additional PTO will accrue until the hours drop below the 520 mark.

2. General PTO rules:

(a) Employees are not permitted to use PTO for any period of time before it is accrued.

(b) Advanced notice is required for known, planned absences such as vacation, medical appointments, or other personal reasons. Employees are encouraged to provide at least 4 weeks advanced notice and obtain approval from their supervisor in light of the department's scheduling requirements. The only exception is for sudden illness or emergency, in which case PTO may be applied retroactively if approved by your supervisor.

- (c) Employees may not use PTO to work a different assignment within the County employment.
- (d) Elected officials and/or department managers may deny requests for leave based on workload or business needs. Otherwise, leave should be approved/denied on a first-come first-serve basis.
- (e) The fact that an employee may have available PTO time does not justify tardiness or unexcused absences. Unscheduled absenteeism and tardiness are grounds for disciplinary action, regardless of the availability of PTO. Repetitive failure to notify the County of an absence may result in disciplinary action up to and including termination. Failure to notify the County within the first three (3) workdays of absence may be considered an abandonment of position.

3. Reporting PTO:

- (a) All leave taken must be reported on a time sheet. If not reported correctly, employees may be subject to disciplinary action.
- (b) FLSA exempt employees should report time taken in blocks of four (4) or more hours within one day, unless other arrangements have been approved by their supervisor.
- (c) PTO may be taken in the same pay period it is accrued.
- (d) PTO may not be used to exceed 40 hours in a designated work week or 80 hours in a designated 14 day work period
- (e) PTO will not be considered as time worked for calculating overtime compensation.
- (f) PTO will accrue if the employee is using PTO for a full pay period.

4. Sell Back (PTO):

- (a) Employees who have accumulated at least 320 hours of Paid Time Off (PTO) are eligible to sell back up to four (4) days or 32 hours at the end of each year.
- (b) The County will buy back accrued PTO hours under this policy at the employee's current regular rate of pay.
- (c) To receive payment of PTO, an employee must request payment by completing a 'Sell Back Request' form and submit to the Human Resources Department by November 30 of each calendar year. The approved request will be paid to the employee on their regular payroll following the November 30 deadline.

5. PTO Payout:

- (a) An employee who terminates employment with the County will receive payment for any unused accrued PTO and will be subject to all normal payroll taxes.
- (b) PTO will also be paid to employees who have a change in status when the new position is not eligible for accrual. Payment will be made at the employee's base rate at the time of the applicable termination or change.
- (c) Generally, an employee's last physical day worked will be considered the termination date. If the termination date is in the middle of a pay period, PTO may only be used to extend the termination date to the end of the pay period.
- (d) PTO accrual will be given for the final pay period providing the employee works the entire pay period.
- (e) When an employee terminates employment with the county, all county equipment and supplies assigned to employee must be returned and all debts or outstanding balances owed to the county will be payroll deducted from their final paycheck.

6. Extended Illness Bank (EIB) hours:

- (a) The County has discontinued sick leave accrual and has included sick leave as part of the Paid Time Off (PTO). However, some employees may still have accrued sick leave hours remaining. Current County employees who were hired prior to January 1, 2017 (PTO policy implementation), will have their accrued sick leave hours converted to the employee's individual Extended Illness Bank (EIB).

- (b) The EIB hours will be available for use under the following circumstances and only until all EIB hours are exhausted:
  - (i) The employee is absent from work for more than five (5) days or 40 hours consecutively for a single illness that has been verified by a physician.
  - (ii) The first five (5) days or 40 hours shall be counted as PTO or leave without pay, if PTO is exhausted.
  - (iii) EIB hours may be used only for an extended personal illness or to care for a family member (spouse, child, or parent) with an extended illness.
  - (iv) EIB hours are not available for well care and/or routine office visits.
  - (v) EIB cannot be used during which an employee receives compensation from any other County sponsored program, such as disability or workers compensation leave.
- (c) Employees leaving County employment shall forfeit any unused hours in the Extended Illness Bank (EIB).

**C. Holidays**

1. Sevier County will observe the following days as paid holidays. For all eligible employees, the County provides twelve (12) days per calendar year of Paid Time Off (PTO) accrual to be used to cover paid holidays. These twelve (12) days are included in the employee's total personal time off accrual. Each year the County Commission approves the official list of County holidays. As a general matter, the County closes for the following holidays:

New Year's Day.....	January 1 <sup>st</sup>
Human Right's Day.....	3 <sup>rd</sup> Monday in January
President's Day.....	3 <sup>rd</sup> Monday in February
Memorial Day.....	Last Monday in May
Independence Day.....	July 4 <sup>th</sup>
Pioneer Day.....	July 24 <sup>th</sup>
Labor Day.....	1 <sup>st</sup> Monday in September
Columbus Day.....	2 <sup>nd</sup> Monday in October
Veteran's Day.....	November 11 <sup>th</sup>
Thanksgiving (2 Days).....	4 <sup>th</sup> Thursday and Friday in November
Christmas Day.....	December 25 <sup>th</sup>

4. Generally, holidays falling on Sunday will be observed on the following Monday. In the event a holiday falls on a Saturday, the prior Friday will be considered the holiday. Employees who wish to observe religious holidays may do so without loss of pay by utilizing a Paid Time Off (PTO) day.
2. Most county offices are closed on the days listed in the above chart. The intent is for the employees to observe these holidays and only be allowed to work on rare occasions when requested and/or approved by their supervisor.
3. PTO leave will be recorded on the employee's timesheet for holidays observed when needed to receive full payment for the pay period.

**D. Donation of Leave:**

1. Purpose: To establish a leave donation program to assist those full-time, non-probationary employees who have responsibly managed their PTO, but who nevertheless face a serious illness or medical condition with no accrued PTO left. Employees who have abused or misused the County's PTO program are not eligible to receive donated PTO time. The donation policy is entirely voluntary and no employee is required to donate.

2. No Coercion: Donation of leave is completely voluntary by each employee and is up to his/her discretion whether to donate. No employee, elected official or department manager shall threaten, coerce, or attempt to threaten or coerce another employee for the purpose of interfering with rights involving leave donation, receipt of leave donation, or the use of donated leave.
3. To Receive PTO leave donations, the recipient employee must:
  - (a) have a continued absence due to a non-occupational, personal or immediate family illness or disability for which they have sufficient information for the Human Resource Director to reasonably determine whether the condition applies to the leave request;
  - (b) have exhausted all PTO (and EIB) leave;
  - (c) not be receiving any paid benefit such as Short-Term or Long-Term Disability or Worker's Compensation.
  - (d) submit a written request to the Human Resource Director including medical certification of the personal or immediate family member's serious health condition and an expected return date to work.
  - (e) have a family member or designee file the request, with proper documentation on the employee's behalf, if an employee is physically or mentally unable to make a request for leave donation.
  - (f) must also submit a signed Recipient Agreement to the Human Resource Director verifying current leave balances and acceptance of donated PTO and/or compensatory time.
4. To Donate PTO leave to an eligible recipient, the donor employee:
  - (a) must be an employee of Sevier County who is eligible to accrue PTO leave.
  - (b) must submit the Donor Agreement to the Human Resource Director specifying how many hours of PTO and/or compensatory time they wish to donate and to whom they wish to donate this leave and/or time.
  - (c) must not donate an amount which will cause the donating employee's PTO balance to fall below 240 hours of PTO leave.
  - (d) donating compensatory time may donate all their comp time available.
5. The following general conditions apply to the PTO leave donation policy:
  - (a) A recipient employee's donated hours will remain in an account that will be administered by the Human Resource Director and disbursed to the employee requesting the leave as needed each payroll.
  - (b) A donor employee's donated PTO and/or compensatory time is irrevocable and the total amount of donation will be reduced from their accrued PTO and/or compensatory time upon receipt and approval of their request from the Human Resource Director.
  - (c) When the employee receiving the leave receives more hours than needed, upon returning to work, the balance of donated hours remaining in the leave account will revert back to the donors on a percentage given basis.
  - (d) The maximum amount of donated leave an employee may receive in any calendar year is 12 weeks.
6. Mis-stated Leave: If an employee was granted donated leave and it was found the employee received such leave on the basis of mis-stated, erroneous, or false statements, the employee will be required to reimburse the donated leave and may be subject to some other form of discipline.

**E.** Family & Medical Leave (Non-Paid Leave): It is the policy of Sevier County to comply with all current requirements and laws of the Family and Medical Leave Act (FMLA). See Sevier County Human Resources or visit the U.S. Department of Labor (DOL) website at <https://www.dol.gov/whd/fmla/> for current information on FMLA.

1. Measuring method: Sevier County calculates FMLA eligibility on a **"rolling" 12-month period** measured backward from the date an employee first takes FMLA leave.

2. Employee/Employer Responsibilities:
  - (a) Employees should ordinarily notify their supervisor and/or Human Resource Director thirty (30) days in advance of the commencement of the leave when the need for the leave is foreseeable. If the need for leave is not foreseeable, the employee must give notice as soon as practicable. At the time of notification, the employee will need to complete the FMLA packet provided in the Human Resource office.
  - (b) Employees may be required to provide medical certification completed by a care provider supporting the need for medical leave and the probable duration of the leave due to a serious health condition affecting the employee or an immediate family member. If such certifications are required, the employee has 15 calendar days to comply upon request. The medical certification form is provided in the FMLA packet.
  - (c) Sevier County may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.
  - (d) A fitness-for-duty certification will be required in order to return to work at the conclusion of the FMLA leave period.
  - (e) Additional unprotected leave extending beyond the 12 or 26 weeks will only be granted upon further review and approval from management.
3. Use of Paid Leave:
  - (a) An employee must use all accrued Paid Time Off (PTO), Extended Illness Bank (EIB) and compensatory time concurrent with FMLA leave and cannot be used to extend beyond the 12 week FMLA protection. After using all PTO, EIB and comp time, the balance of the FMLA leave will be unpaid leave.
  - (b) During FMLA leave, PTO will continue to accrue only during that portion of the leave which is paid by using PTO, EIB and Comp days. During any unpaid FMLA leave, PTO will not accrue. For those employees returning from any unpaid FMLA leave, accrual of PTO will resume immediately upon the employee's return to work. Where the FMLA leave is taken on an intermittent basis or as a reduced-schedule, PTO may continue to accrue during the leave on a prorated basis.
  - (c) Workers' Compensation, Short Term Disability, and Long Term Disability time off will also be counted concurrent with FMLA leave and PTO will not accrue during this time off.
4. Benefit Coverage:
  - (a) During any FMLA leave, Sevier County will maintain the employee's group medical, dental, vision, life and disability insurance coverage during the entire FMLA leave period under the same conditions that coverage would have been provided if the employee had been continuously employed.
  - (b) Sevier County and the employee will each continue to pay their portion of the benefit costs. In some instances, Sevier County may recover premiums it paid to maintain health coverage on a prorated basis for an employee who fails to return to work from FMLA leave.
  - (c) The County's and employee's contributions to the 401K plan and to the pension plan will continue to be made as long as an employee on FMLA leave continues in pay status.

F. Court or Jury Leave:

1. Employees who have been summoned to jury duty or who have been subpoenaed (as opposed to being retained) to appear as a juror or witness by the Federal Government, State of Utah, or political subdivision thereof, are entitled to leave with pay under the following conditions:
  - (a) Payment does not apply to court appearances falling on the employee's personal time, or to court appearances when an individual is appearing in court on his/her own behalf.
  - (b) Any compensation received by employees for jury or witness duty while he/she is being paid by the County, shall be returned to the County along with a copy of the subpoena, with the exception of any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom.

(c) If it is reasonable to be at work prior to or immediately after court, employees shall complete the regularly scheduled shift on a court day. For example, if an employee serves as a juror from 8:00 am to 12:00 pm, he/she is expected to return to work for the remainder of the scheduled work day.

2. Employees have the option to use PTO or compensatory time while on jury duty. Employees who choose this option are entitled to keep any jurors fees paid to them.

**G.** Military Leave: A military unpaid leave shall be granted to employees who enlist, are drafted, or are recalled to active service in the Armed Forces of the United States in accordance with the provision of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), 38 U.S.C. §§4301 *et seq.*, which provides enhanced leave rights and job protections for employees absent for military duty. Former employees may be permitted to return to Sevier County employment pursuant to the conditions and guidelines set forth in USERRA.

Benefit accruals such as Paid Time Off (PTO) will be suspended during the leave if the leave is longer than two (2) weeks and will resume upon return to active employment.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable position depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

**H.** Leave Without Pay (LWOP): Leaves of absence without pay may only be granted for purposes normally covered by Paid Time Off (PTO), when said leave has been exhausted, or for additional justifiable circumstances approved by the Board of County Commissioners. Normally, such leave shall not exceed the total of 12 weeks as a combined total of all leave used over a rolling 12 month period and may also be governed by the provisions of the Family Medical Leave Act (FMLA).

**I.** Leave with Pay: In cases of special hardships, or other cases not provided for in these policies, the Board of County Commissioners may grant short-term leaves at full or partial pay, or without pay. The denials of such requests are at the discretion of the Commissioners and are not subject to appeal.

**J.** Disaster Service Volunteer Leave: Sevier County will comply with all applicable requirements of Utah Code, Title 34, Chapter 43, Section 102; as amended.