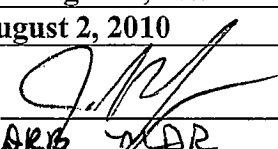


**400**  
**LEAVE**

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**PURPOSE**

This policy defines the terms, conditions, and processes under which eligible employees may be granted absence from work, with pay, for vacation, sick leave, administrative leave or for other personal reasons. Paid Time Off (PTO) and administrative leave are benefits provided by the County for the welfare of its employees. Military, Court, and Family and Medical Leave covered under the Family Medical Leave Act are provided to employees by law.

**SCOPE**

This policy provides guidelines governing the accumulation and use of leave benefits.

**CROSS REFERENCES**

Policy 310 – Compensation  
Policy 410 – Leave Donation  
Policy 420 – Holidays  
Policy 610 – Discipline

**POLICY AND PROCEDURES**

1. Conditions of Leave
  - A. Employees are not permitted to use paid leave for any period of time before it is accrued.
  - B. All leave taken must be reported on a time sheet. If not reported correctly, employees may be subject to disciplinary action.
  - C. Advance notice is required for known, planned absences such as vacation, medical appointments, family deaths, or other personal reasons. Employees should provide as much advance notice as possible and obtain approval from their Department Heads.
  - D. Department Heads may deny requests for leave based on workload or business need. Otherwise, Department Heads are to approve/deny leave on a first-come first-serve basis.
  - E. Employees working at least 60% of full time per pay period *and* receive benefits

shall accrue PTO in proportion to the time worked. They shall be compensated for personal and paid military leave in proportion to the time worked.

2. Paid Time Off (PTO)

A. Regular, full time employees shall accrue PTO at the rates in the following table:

Years Of Service	Hours/ Year	Days/ Year	Hours Per Pay Period	Maximum Annual Carry Over*
Thru 5 years	156	19.5	6	1000 Hours
6 Thru 10 years	182	22.75	7	
11 years +	208	26	8	

\*Any amount above the maximum annual carry over shall be paid out to the employee at a 70% rate.

B. Selling Hours

1. Employees may sell hours back to the County at a rate of 70%. Employees may only sell hours back to the County under the following circumstances:

- a. Employees may only sell hours two times per calendar year, during the months of May and November.
- b. Employees must have a minimum balance of at least 400 hours AFTER the sale.

C. Purchasing Hours

1. Employees may purchase up to 40 hours per calendar year at the rate of 130% of their hourly base pay under the following circumstances:

- a. Employees may only purchase hours two times per calendar year, during the months of June and December.
- b. Employees must not have a pattern of abuse as determined on a case-by-case basis by their Department Head and human resources.

D. Employees that return to County employment will not receive prior service credit for the calculation of leave accrual.

E. PTO accrual rates shall be changed at the same time the employee receives the service award increase.

F. All employees must report PTO hours in increment of not less than one quarter (0.25) of an hour.

G. FLSA exempt employees shall report time taken in blocks of four or more hours

within one day. These employees shall not be subject to pay deductions for absences of less than four hours within any one pay period. If an FLSA exempt employee is absent for a continuous period of four hours or more, and the employee does not have sufficient accrued PTO to cover the absence, then the absence shall be counted as leave without pay.

- H. An employee may use accrued PTO for any reason as it is accrued, as authorized by the employee's Department Head.
  - 1. Utilization of PTO for personal use when advance notice has not been provided should be used for sick leave or other emergency situations only. The following guidelines must be followed:
    - a. The employee is required to contact his/her immediate supervisor or Department Head for each day of absence as soon as possible. At a minimum, within 30 minutes of the scheduled start time. The burden of responsibility for providing clear notification of absences to the correct individual rests with the employee.
    - b. 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.
- I. Compensatory time shall be used prior to PTO use. Department Heads must provide ample opportunity for each employee to use PTO each year.
- J. PTO may not be used to increase paid hours recorded above an employee's regularly scheduled hours. PTO hours used during a pay period are not counted as time worked in determining eligibility for overtime.
- K. PTO will accrue during an approved leave of absence without pay of less than two weeks. PTO will accrue if the employee is using PTO for a full pay period.
- L. PTO balance will be paid to employees upon termination or change in status (if the new position is not eligible for accrual). Payment will be made at the employee's base rate at the time of the applicable change. The balance may be used to pay for medical premiums if the employee is eligible to continue on a County sponsored health insurance plan. PTO may not be used to extend an employee's termination date.
- M. If an employee has scheduled PTO for a day for which other County-paid discretionary leave is granted, PTO shall be used, with the exception of administrative leave or suspension pay as per section 9.
- N. When an employee terminates employment with the County, PTO and Sick Leave Reserve balances may be held until all equipment, keys, and supplies are returned.

3. Sick Leave Reserve

A. Current County employees who were hired prior to December 31, 2007 (PTO policy implementation), will have a sick leave reserve account available for use under the following circumstances:

1. The employee is absent for more than sixteen hours related to one sickness, verified by a physician. The first sixteen (16) hours shall be counted as PTO or leave without pay.
2. Upon retirement, the sick leave reserve account balance shall be paid to the employee at a rate of 50%. The payout may be used to pay for medical premiums if the employee continues on a County sponsored health insurance plan. If an employee terminates employment prior to retirement eligibility, sick leave reserve balance shall be forfeited. Elected officials, at the time they are removed from office, shall receive 50% of their sick leave accrual.

4. Family and Medical Leave

This policy applies to all employees, with the exception of certain "key" personnel. The County's family and medical leave policy is intended to comply with the **Family and Medical Leave Act of 1993**. The following statements are highlights of the **FMLA**. Other terms and conditions may exist which may effect eligibility for leave.

A. General Provisions

1. Per any cumulative 12 month period, eligible employees are entitled up to 12 weeks of unpaid, job-protected leave for the birth or adoption of a child, to care for an eligible dependent, spouse, or parent with a serious health condition, or when the employee is unable to work because of a serious health condition.
2. A serious health condition is one which requires either inpatient care, or continuing treatment by a health care provider over a long term. When inpatient care is not involved, an employee may be eligible if he/she is unable to work for a period of three or more days.
3. An employee may take 12 weeks of unpaid, job-protected leave to care for a dependent that experiences a qualifying exigency as defined by the FMLA.
4. An employee is eligible for an additional 26 weeks of unpaid, job-protected leave, in a 12 month period, to care for a dependent that has been injured or disabled due to military service, or is receiving medical care as defined by the FMLA.
5. An eligible employee who takes FMLA leave is entitled to return to the

same position held when the leave started or at an equivalent position with equivalent benefits, pay and any other terms and conditions of employment.

B. Eligibility

To be eligible for Family and Medical Leave, an employee:

1. Must have worked for Uintah County at least 12 months total;
2. Must have worked at least 1,250 hours over the 12 months immediately preceding the commencement of leave.

C. Employee/County Responsibilities

1. An employee may apply accrued PTO and compensatory time to remain in pay status during FMLA leave. Compensatory time shall be exhausted prior to using PTO.
2. The employee must notify the Department Head or HR Director 30 days in advance of the commencement of the leave when the need for the leave is foreseeable. If the need for the leave is not foreseeable, the employee must give notice as soon as practicable.
3. The County may require, on a regular basis, medical certifications supporting the need for 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 each request.
4. With the permission of the Department Head and HR Director, an employee may take FMLA leave intermittently -- which means taking leave in blocks of time, or by reducing the normal weekly or daily work schedule.
5. The County may require a fitness-for-duty certification before being restored to employment if the leave was granted due to a serious health condition of the employee.
6. An employee on FMLA leave will receive health insurance benefits while on leave under the same terms and conditions as when he or she was on the job, provided the employee's portion of medical or dental insurance premiums are paid in a timely manner. It is the responsibility of the employee to make such arrangements with the payroll clerk.
7. If an employee does not return to work after FMLA leave for reasons other than a serious health condition or some other reasons beyond the employee's control, the employee will be required to reimburse the County for the full amount of medical and dental insurance premiums paid

by the County during unpaid **FMLA** leave.

8. The County will continue to pay the premiums for life insurance and accidental death and dismemberment insurance, and for Long Term Disability Income Insurance during **FMLA** leave for up to 12 weeks.
9. 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.
10. The use of **FMLA** leave shall not result in the loss of any employment benefit or seniority that accrued prior to the start of an employee's leave. PTO shall only accrue during the leave if the employee is in pay status.
11. **FMLA** leave shall run concurrently with any leave supplied to the employee by state family leave laws and workers' compensation regulations.
12. If a husband and wife both work for the County, each is eligible for 12 weeks of **FMLA** leave and each has 12 weeks to care for the other employed spouse. The 12 weeks are cumulative, however, if the leave is used to care for other dependents.

5. Military Leave

- A. An employee on official military orders is entitled to military leave, without loss of pay or loss of PTO, not to exceed 15 regularly scheduled working days per year.
- B. Career Service employees and appointed employees shall receive payment for up to fifteen (15) days of official military leave by the difference in the base hourly pay and the military pay. Employees are eligible for such payment for one (1) occurrence each calendar year. Employees called to active duty will be eligible for the differential pay described above for a period up to one (1) month or twenty (20) work days, whichever is less. Employees requesting military leave must submit official orders to Human Resources at least 30 days prior to departing for service or when it is feasible to do so. At the completion of military duty, the employee must submit a pay voucher to payroll, as soon as practicable.
- C. Benefit continuation. Employees on active duty may continue County benefits and shall notify human resources as soon as practicable upon receipt of official military orders. For the first twelve weeks of duty, the employee is responsible to pay his/her contribution to the premium as if he/she was in pay status. From the 13<sup>th</sup> week, up to twenty four months, the employee may continue benefits by paying 50% of the monthly premium.
- D. If a holiday occurs during an employee's military leave, the day will be counted

as military leave and the employee will be entitled to take another day off in lieu of the holiday.

- E. Salary may not be claimed for non-regularly scheduled work days that occur during military leave. An employee may request to use PTO (but may not use sick leave bank hours) on official leave to continue pay and leave accrual.
- F. The County Commission shall grant additional military leave based upon official military orders. Such leave shall be counted as leave without pay.
- G. Any employee who receives pay for military duty and receives compensation from the County for the same time shall reimburse such County payment to the Uintah County Treasurer.
- H. An employee shall, with certain exceptions, be re-instated if the military leave duration does not exceed five years in accordance with the Uniform Service Employment and Reemployment Rights Act of 1994 (USERRA).

6. Court Leave

- A. Employees shall be entitled a leave of absence with no loss of pay for Jury Duty or participation in a court case or related administrative proceeding.
- B. An employee who is absent to attend court or testify, not in an official capacity required by the employee's position, but in the employee's private capacity, shall use PTO or leave without pay.
- C. Unless court duty is required by the official work capacity of the employee, the employee must submit the jury duty notice, summons, subpoena or other official court document to Human Resources prior to the leave.
- D. 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.
- E. An employee who receives witness or juror fees for service while on leave with pay status shall return such payments to the Uintah County Treasurer.
- F. Uintah County may supply employees with justification to release employees from civic obligations only in extenuating circumstances.

7. Leave Without Pay

- A. An employee shall file a written request for approval of leave without pay to the Department Head for any reason other than Family & Medical Leave Act. Failure to obtain approval of leave without pay may result in disciplinary action.

- B. The Department Head shall consider the following factors in determining whether or not to grant up to eighty (80) hours of leave without pay:
1. A negative impact resulting in the inability of other employees to absorb the increased workload;
  2. Whether the position is one which is critical to the operation of the department, and for which temporary replacement is impractical;
  3. Willingness to fill the position on a temporary basis and time and cost of training a replacement;
  4. Whether the employee's performance has been rated less than successful; and
  5. The length and frequency of prior PTO use and prior leaves without pay.
- C. Leave without pay which granted for the purpose of enriching or developing employee skills is the most valid reason for approving the request.
- D. Leave without pay shall not ordinarily be granted within the first year of service. Longevity, however, will not automatically qualify an employee for leave without pay.
- E. An employee shall not be granted leave without pay unless it is expected that the employee will return to work following such leave.
- F. Leave shall not be granted to allow continuation of benefits. Employees are not allowed to use paid leave and leave without pay for the sole purpose of continuation of benefits paid for by the County or to extend paid leave over a longer period of time.
- G. As warranted by unusual circumstances, and subject to Commission approval, employees may be allowed to take more than eighty (80) hours of leave without pay, even where annual and sick leave balances continue to exist.
- H. An employee may take up to eighty (80) hours of consecutive working time as a reduced schedule or intermittent leave without pay per year without affecting eligibility dates for salary adjustments or for changes in the leave accrual rate. Any time taken beyond this limit may result in an adjustment to such eligibility dates reflecting the amount of time away from the job.
- I. Insurance benefits will be discontinued under leave without pay status unless the employee pays his/her portion of the insurance premium. For an approved leave without pay absence that is less than forty (40) work hours in a pay period, PTO accrual will be prorated to reflect the actual hours worked in the pay period. If the absence is greater than forty (40) hours, the employee will not accrue PTO.

- J. An employee who returns to active service on or before the expiration of approved leave is entitled to a position in the same class, pay rate, seniority status, and shall accrue paid leave as if the employee had not taken leave.
  - K. All documentation related to the leave without pay shall be filed in the employee's personnel file.
8. Voting Leave
- A. Employees are encouraged to exercise their right to vote and all employees shall be granted time to exercise that right.
  - B. An employee will be granted time off (with pay) to vote in national, state, or local elections provided the employee is:
    - 1. A registered voter in the locality of his/her employment and
    - 2. Unable to vote without taking time away from his/her work station that day.
  - C. If the employee meets the above requirements, the supervisor shall NOT deny the employee the time off to vote. Employees shall notify the supervisor prior to the need for taking voting leave.
9. County-paid Discretionary Leave
- A. For the benefit of the organization and County employees, the HR Director, with approval of the Commission, may grant leave with pay to an employee or group of employees without deducting the time from other accumulated leave accounts. The approval of discretionary leave will be determined when County operations or other unforeseeable events impact an employee's regular work schedule.
  - B. The employee or HR Director shall document discretionary leave on the official timecard or timesheet to be approved by the Department Head.
10. Bereavement Leave – An employee that is eligible for other regular benefits, after working a full year for the County, may take up to sixteen paid leave (16) hours per year to attend a funeral or make arrangements for the following relatives: father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents or grandchildren. If unused, bereavement leave does not accumulate or “carry-over”.