

# Utah County Human Resource Management Policy 5-500: Leave

## Purpose

The purpose of this policy is to define categories of leave plans and leave benefits available to Utah County benefit eligible employees.

## I. Policy

It is the policy of Utah County to grant leave to certain categories of employees. A reasonable period of time away from the job is conducive to good health and can have a refreshing effect that is advantageous to both the employee and the County. Additionally, leave is required to be used by an employee when necessary to meet minimum work hour reporting requirements.

## II. Procedures

### A. General Provisions.

1. All periods of leave must be approved by a supervisor, Department head or Office of Human Resource Management representative.
2. Elected Officials are not subject to Utah County leave policies.
3. Appointed employees exempt from career service may be designated by the appointing authority as not subject to Utah County leave policies. If so designated, no specific amount of paid time off is promised, guaranteed, vested or accrued. Once the appointed position is so designated, this status shall remain in effect going forward.
4. Leave Records. The Utah County Office of Human Resource Management (OHRM) shall maintain complete leave records for each employee. The records shall be maintained in Workday (or other Human Resource Information System HRIS) authorized for use by the OHRM. Such records are subject to audit by the Director.
5. Absence Without Leave (Unauthorized Leave Status). Employees may not absent themselves from duty without the permission of their department head. Absence without leave shall be sufficient cause for forfeiture of all rights and privileges earned while employed. An employee absent for three (3) consecutive working days without notice and without sufficient reason, or absent without being in an authorized leave status, shall be considered to have resigned (De facto resignation).
  - a. An employee who has exhausted all paid leave and FMLA leave, and is unable or unwilling to return to work, shall be deemed to be in an unauthorized leave status, unless unpaid leave has been requested and granted in accordance with Human Resource Management Rules, Regulations and Policies.

### B. Vacation Leave.

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1. Vacation leave shall be accumulated according to the most recent date of hire and the number of years of consecutive employment with the County. Career service employees and designated appointed employees shall be allowed to accrue vacation leave as shown on the following schedules.
2. The balance of vacation leave up to 300 hours will be paid out to any career service employee who is elected or selected for a position or office of Utah County not subject to leave accrual policies.
3. Vacation accumulation rates:

## VACATION ACCUMULATION ACCRUAL EMPLOYEES HIRED BEFORE 7/1/2011

| YEARS OF SERVICE | FULL-TIME<br>40 HRS WK | 1 / 2 TIME<br>20-29.5 HRS WK | 3 / 4 TIME<br>30-39.5 HRS WK |
|------------------|------------------------|------------------------------|------------------------------|
| 0 thru 4 years   | 4 hrs ppp *            | 2.00 hrs ppp                 | 3.00 hrs ppp                 |
| 5 thru 9 years   | 5 hrs ppp              | 2.50 hrs ppp                 | 3.75 hrs ppp                 |
| 10 thru 14 years | 6 hrs ppp              | 3.00 hrs ppp                 | 4.50 hrs ppp                 |
| 15 thru 19 years | 7 hrs ppp              | 3.50 hrs ppp                 | 5.25 hrs ppp                 |
| 20 or more years | 8 hrs ppp              | 4.00 hrs ppp                 | 6.00 hrs ppp                 |

\*ppp stands for "per pay period"

## VACATION ACCRUAL EMPLOYEES HIRED ON OR AFTER 7/1/2011

| YEARS OF SERVICE | FULL-TIME<br>40 HRS WK | 1 / 2 TIME<br>20-29.5 HRS WK | 3 / 4 TIME<br>30-39.5 HRS WK |
|------------------|------------------------|------------------------------|------------------------------|
| 0 thru 4 years   | 4 hrs ppp *            | 2.00 hrs ppp                 | 3.00 hrs ppp                 |
| 5 thru 9 years   | 5 hrs ppp              | 2.50 hrs ppp                 | 3.75 hrs ppp                 |
| 10 thru 14 years | 6 hrs ppp              | 3.00 hrs ppp                 | 4.50 hrs ppp                 |
| 15 or more years | 7 hrs ppp              | 3.50 hrs ppp                 | 5.25 hrs ppp                 |

\*ppp stands for "per pay period"

4. Exceptions to the vacation leave accrual rate policy may be made in rare circumstances by the Director and in consultation with the commission to facilitate competitive recruitment.

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5. No vacation leave shall be used by a County employee prior to the time it is accumulated. All vacation leave requests and usage must have advance supervisory authorization before the absence period when not an emergency situation.
  6. Saturdays, Sundays, and legal Holidays occurring during a period in which leave has been granted shall not be charged against accrued leave.
  7. No more than 300 accrued vacation leave hours may be carried forward from the pay period in which an employee's birthday falls to the next pay period after the employee's birthday. It is the employee's responsibility to monitor their accrued vacation leave balance. Each employee is urged to utilize earned vacation leave each year.
  8. Payment for the balance of accumulated earned vacation, shall be made when an employee separates from County service. In the case where an employee terminates during the probationary period, no accrued vacation leave shall be paid.
  9. The County Commission may authorize withholding of payment for accumulated vacation leave when an employee is terminated for conduct involving violent or destructive actions against personnel or property of Utah County, for unlawful possession of County property, or for other valid reasons if recommended by the employee's department head and approved by the Director.
  10. In cases where an employee leaves one department of County service and transfers to another, the accrued leave balance shall be transferred to the new department.
  11. A returning employee who rehires within two years of their separation date, may start with the accrual rates earned at the time of separation.
  12. Vacation leave will not accrue during a period of leave of absence without pay for an entire pay period. Elected officials and/or department heads may deny requests for leave based on workload or operational business needs. Otherwise, leave should be approved/denied on a first-come first-serve basis.
  13. The fact that an employee may have available vacation time does not justify tardiness or unexcused absences. Unscheduled absenteeism and tardiness are grounds for disciplinary action, regardless of the availability of vacation. Repetitive failure to notify the County of an absence may result in disciplinary action, up to and including termination. Acceptable attendance and punctuality expectations should be determined by each department head.
- C. Sick Leave.
1. Sick leave is a privilege afforded County employees and not an obligation of the County to its employees. Sick leave shall be provided for merit career service and designated appointed employees as insurance against loss of income when an employee is unable to perform the

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work because of illness or injury or in cases of serious illness on the part of a member of an employee's immediate family where the employee's presence is vital. (For purposes of this section immediate family will be considered to be the employee's spouse, children, parents, and other related individuals for which the employee has primary care-giver or custodial responsibility.

2. Any absence for illness that extends beyond accrued sick leave will result in the employee utilizing compensatory time and paid vacation leave until all accrued balances have expired, then on a leave without pay status.
3. In order to qualify for sick leave, employees must notify their supervisor no later than one hour before normal starting time on each day of absence, unless circumstances surrounding the absence make such notification impossible. The supervisor should also be kept advised of the employee's progress and expected date of return to duty.
4. Sick leave with pay for full time merit career service and designated appointed employees shall accrue at the rate of four (4) hours per pay period for each pay period of service. Half time (2 hours) and three-quarter (3 hours) time Career service employees shall accrue sick leave on a prorated basis.
  - a. Accrual of sick leave hours is not limited; however, payout or conversion of sick leave balances shall be limited as described below.
5. Employees who had a balance of more than 720 hours of sick leave on December 31, 2010 have a "reserve" sick leave balance. Hours in excess of 720 at the end of 2010 were placed in the "reserve" balance and assigned a cash value based on the employee's rate of pay at that time. This reserve balance shall be available for use as sick leave only after the regular sick leave balance has been exhausted. The reserve balance will be paid out at retirement in accordance with Subsection 5-500. C.12.b.
  - a. Reserve balances have been established with the conversion of excess hours at the end of 2010. No new reserve balances will be created, and no hours will be added to an existing reserve balance.
6. Employees absent for more than five consecutive days for an FMLA qualifying reason must apply for FMLA leave to run concurrently with sick leave (See FMLA Policy 5-400).
7. Paid leave shall not accrue during a period of leave of absence without pay for an entire pay period.
8. Sick leave in excess of three days for any one illness may, at the request of the department head or supervisor, be documented by a medical certificate or other acceptable proof. If requested, this documentation must be submitted to the department head or supervisor on the date the employee returns to work. In cases where a chronic or excessive pattern of sick leave usage exists or abuse of sick leave is suspected, a department head or supervisor may request documentation for any or all sick leave absences. Misuse or abuse of sick leave may result in discipline, up to and including termination of employment.

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9. In cases where an employee is leaving one department of County service and is transferring to another, accrued leave shall be transferred to the new department.
10. Annual Sick Leave Conversion - Career service and designated appointed employees are eligible to participate in the following sick leave options. Elections shall be made prior to the pay period in which an employee's birthday falls and will be effective until changed by the employee:

Option A: Conversion of unused sick leave to vacation leave. Employees who elect to use this option may convert all of their unused sick leave earned from the pay period following the pay period in which their last birthday fell, through the pay period in which their next birthday falls, to vacation leave at the rate of 50%, providing the resulting sick leave balance is at least 240 hours. The converted hours will be added to the vacation hours (being carried forward from the birthday pay period).

Option B: Conversion of unused sick leave to cash. Employees who elect to use this option may convert all of their unused sick leave earned from the pay period following the pay period in which their last birthday fell, through the pay period in which their next birthday falls, to cash payment at the rate of 25% providing the resulting sick leave balance is at least 720 hours.

11. An employee separating from service shall not be compensated for any unused sick leave accumulated, unless eligible for retirement under Utah Retirement System rules based on years of service, in which case sick leave balances will be paid in accordance with the paragraph below.
12. Sick Leave Payout.
  - a. At retirement, County employees qualifying for retirement under Utah Retirement Systems years of service eligibility rules, shall be compensated at their current rate of pay for 25 percent of up to 720 unused sick leave hours.
  - b. If qualified for retirement under Utah Retirement Systems years of service eligibility rules, Employees who have a "reserve" sick leave balance (accrued before January 1, 2011) shall be eligible to be compensated for 25 percent of those unused hours at their rate of pay as of December 31, 2010.
  - c. Employees who lose their jobs as a result of a reduction in force initiated by Utah County will be paid 25 percent of up to 720 unused sick leave hours.
  - d. Appointed or career service employees who are elected or appointed to a position or office of Utah County not subject to leave accrual policies shall have the value of their sick leave on the date of the status change, up to 720 hours, placed in a reserve account to be reinstated upon either return to merit career service or paid out in accordance with item b. above.

### D. Workers' Compensation.

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1. Any employee sustaining an injury arising out of and during the course of employment shall provide prompt notification to his/her supervisor and the OHRM. Failure to report an injury as soon as possible may result in the loss of employee benefits.
  2. The employee must complete a workers' compensation claim form, which can be accessed on the HR Forms site or by contacting the OHRM. The claim form should be completed by the employee and filed with the OHRM on or before the next business day following the date of injury. A Supervisor's Report of Injury must also be completed and submitted to the OHRM.
  3. In the event that an employee is injured on the job and a workers' compensation claim has been approved resulting in an authorized absence from work exceeding three (3) consecutive working days, the following options are available:
    - a. taking a leave of absence without pay and retaining the compensation provided by the County's workers' compensation carrier; or
    - b. endorsing the workers' compensation checks to Utah County and combining the workers' compensation payment with accrued leave to remain on payroll at full salary until all accrued leave has been exhausted, after which Option 1 above is automatically implemented.
      - i. The employee will select one of the options outlined above at the time the official First Report of Injury is completed.
  4. Lost Time/Return to Work.
    - a. Any time off for workers' compensation leave which also qualifies for FMLA leave will be charged against an employee's FMLA leave entitlement.
    - b. Transitional return to work assignments may be provided for employees with injuries or illnesses which arise out of and, in the course of, employment, subject to medical restrictions and the availability of such positions. Transitional return to work assignments are temporary in nature and are intended to ease the employee back to regular duty within a short period of time. Transitional return to duty is available at the discretion of Utah County, and is coordinated through the OHRM.
  5. Safety Policies. All employees are expected to familiarize themselves with County and departmental safety policies, procedures and regulations. If an employee fails to follow safety policies, procedures and regulations which results in on-the-job injury, or jeopardizes their own safety or that of others, the employee may be subject to disciplinary action.
- E. Leave Without Pay.
1. In rare circumstances and at the discretion of the Board of County Commissioners, an employee may be granted leave without pay for educational pursuits, study, travel, or other grounds which may provide long-range benefits to County Government. Upon request to the Director and with approval by the Board of County Commissioners, career service employees may be granted leave without pay for periods longer than one pay period not to exceed one year in length.

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2. Leave without pay for periods of one full pay period or more will not count toward the accumulation of vacation and sick leave benefits, nor will an employee be entitled for any other benefits provided by Utah County unless FMLA eligible. An exception to this policy may be made in some cases for health insurance, which may be provided to the employee for a very limited period of time at the employee's expense. Employees receiving temporary total disability benefits through workers' compensation, and employees on an eligible Family and Medical Leave of Absence, shall continue to receive Utah County insurance benefits during such leave on the same basis as active employees.
  3. Any County employee, at the discretion of their department head, may be granted leave without pay for periods of (10) working days or less, up to a total of 80 hours per calendar year (86 hours per year for Public Safety employees) by appropriate entries on the department time sheets. Leave without pay for this length of time may be granted only when the employee has no compensatory time, accrued vacation, or Personal Preference hours available. Employees who exceed these limits, or who do not receive Department head approval for leave without pay in advance, will be subject to disciplinary action, up to and including termination of employment. Unpaid leave protected by law, such as FMLA or military leave, will not count toward the 10-day annual limit.
  4. If any County career service employee is elected to a part-time political office (either partisan or nonpartisan), such employee shall be granted a leave of absence without pay for times when monetary compensation is received for service in political office. In the event the elective office is a full-time position; the employee will be terminated from County service effective upon assuming the duties of the elected position.
  5. Short term leave without pay may be approved by the Human Resource Director as a reasonable accommodation under the Americans with Disabilities Act when all paid leave has been exhausted and the employee is expected to be able to perform the essential functions of his or her job with or without reasonable accommodation in the near future. Such requests will be evaluated on a case-by-case basis.
- F. Bereavement Leave.
1. It is the policy of Utah County to grant bereavement leave to all benefited employees who suffer the loss of a member of an immediate or extended family member.
  2. Funeral leave may be granted to make funeral arrangements, settle family affairs, attend the funeral or memorial service and for bereavement.
  3. The maximum time off for funeral leave is as follows:
    - a. Up to 40 hours for immediate family, which includes spouse, child, and parent.
    - b. Up to 24 hours for other family members who include brother, sister, grandparent, grandchild, mother-in-law, father-in-law, uncle, aunt, nephew, niece, brother-in-law, sister-in-law, son-in-law, daughter-in-law and step-relatives of the same order.

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- c. If additional time is needed, an employee may request to use vacation or leave without pay if no vacation leave is available.
    - d. In the event of a family member's death while an employee is on vacation or sick leave, the employee's time off may be extended by the amount of funeral leave permitted by this policy.
  4. Documentation of death, such as a published obituary, funeral program, or death certificate, may be required.
  5. In the event of death in any of these instances, the employee will be paid funeral leave at his/her regular base pay for scheduled work time missed. Employees having part-time career service status are eligible for funeral leave on a prorated basis. If additional time off beyond this allowance is required, compensatory time or vacation leave must be requested.
  6. Time off under this policy will not count as time worked in computation of overtime for that week or pay period.
  7. If a funeral is attended or death in the family occurs while an employee is on leave of absence, there will be no time off with pay forthcoming.
  8. If the employee wishes to take bereavement or funeral leave for a friend or relative not listed above, vacation leave or leave without pay may be requested and granted at the discretion of the department head.
- G. Military Leave.
1. Consistent with applicable state and federal statutes, employees who are members of any branch of the United States military reserve or the Utah National Guard shall be granted a leave of absence for the purpose of fulfilling their military duties. Except as provided herein, leave for military absence shall be leave without pay.
  2. Upon request and documentation on the employee's time sheet, an employee may elect to utilize vacation leave to account for any portion of military absence.
  3. Career service and appointed employees may be granted military leave without loss of pay or use of vacation leave for up to 88 hours per calendar year to fulfill military training obligations. Employees filling part-time career service positions may be granted paid military leave on a prorated basis.
  4. An employee wishing to be paid for a military absence under this provision shall make written application to his/her department head before taking leave. The application shall be made as soon as practicable and shall include a copy of the employee's military orders. The department head shall forward the request to the Director of Human Resource Management prior to the employee's leave of absence. Failure to submit the request for paid military leave to the OHRM prior to the leave being taken shall result in the leave being unpaid, or vacation leave being used.

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## H. Jury/Witness Duty.

1. Every employee shall be entitled to a leave of absence whenever, in obedience to a subpoena or direction by proper authority, he/she appears as a witness or a juror for the federal government, State of Utah, or political subdivision thereof. The time spent traveling to and from juror or witness duty is considered to be part of an approved absence.
2. During such period of required absence, the employee shall be eligible to receive his/her full County compensation and will not be entitled to pay or fee received from services as a witness or juror while on County time. Any income earned and received from jury or witness duty while on County time shall be turned over to the Auditor's Department for reimbursement to Utah County unless the employee elects to use accrued vacation or compensatory time.
3. Absence due to participation in private litigation or due to a subpoena served by a party other than the federal government, state of Utah or political subdivision thereof to testify as an individual, not in an official capacity, shall require the use of vacation leave or leave without pay. Absence due to being required to testify in private litigation in the employee's official capacity as a County employee shall be compensated in accordance with sub-paragraph #2 above.

## I. Paid Holidays:

1. Holidays are provided for County employees as a break in the regular work routine and to allow them to commemorate special federal and state historical events and activities.
2. The following days are defined as legal holidays upon which all offices of the County Government shall be closed, except as otherwise provided by law:
  - a. New Year's Day (1<sup>st</sup> of January)
  - b. Martin Luther King, Jr. Day (3<sup>rd</sup> Monday of January)
  - c. President's Day (3<sup>rd</sup> Monday of February)
  - d. Memorial Day (last Monday in May)
  - e. Independence Day (4<sup>th</sup> of July)
  - f. Pioneer Day (24<sup>th</sup> of July)
  - g. Labor Day (1<sup>st</sup> Monday in September)
  - h. Veteran's Day (11<sup>th</sup> of November)
  - i. Thanksgiving Day (4<sup>th</sup> Thursday of November)
  - j. Day after Thanksgiving (Friday immediately after Thanksgiving)
  - k. Christmas Eve (24<sup>th</sup> of December)
  - l. Christmas (25<sup>th</sup> of December)
  - m. Personal Preference Day (day selected by employee)
3. When any of the above holidays (except the Personal Preference Day) falls on a Sunday, the following Monday shall be the holiday. In the event that any of the above holidays (except the Personal Preference Day) falls on a Saturday, the preceding Friday shall be considered the holiday; however, the County Offices will remain open for business as required by law.

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- a. Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation on the day of the holiday.
4. Personal Preference is awarded upon hire and each year on January 1<sup>st</sup>. Any Personal Preference hours unused within the calendar year are forfeited. The Personal Preference Day may be taken as a holiday on any one day selected by the employee during calendar year, requested in the same manner as required for vacation leave.
5. Any employee required by the department head to work on an authorized holiday shall be granted the option of (1) taking the same number of hours off on a future work day or (2) being paid for the holiday hours and the number of hours worked at their regular hourly rate of pay. Option (1) will be added to compensatory time for accounting purposes. Any amount of time granted as compensatory time or as paid time to an employee for holidays will not be included in calculating overtime.
6. Holiday benefits for less than full-time employees:
  - a. Non-benefited Part-time, temporary, seasonal, provisional, and emergency employees shall not be eligible for paid holidays.
  - b. A career service part-time employee who has been duly authorized to work twenty hours a week or more is eligible to receive holiday pay on a prorated basis.
  - c. A career service employee must account for a minimum of 40 hours per pay period (including work time, paid leave and holiday hours) to be eligible for holiday pay in that pay period.

### J. Leave Donations.

1. Utah County employees may, based on the following employee donation guidelines, donate vacation leave to another County employee, typically in the same County department. When authorized by the recipient's department head, employees outside the same department may also donate leave. This authorization for outside department donations is based on the recipient's department being able to cover the extra salary the recipient will receive beyond the department's budgeted salary expenses.
2. Vacation leave donated is converted to a dollar amount at the donor's hourly rate and pay, and then the dollar amount is converted into sick leave at the recipient's hourly rate of pay. Leave donation requests must be in writing, identify the number of hours the donor wishes to donate, list the recipient, and signed by the donor. The OHRM calculates all requests, and then processes all leave balance changes. Once processed, the donor cannot modify or withdraw his/her donation request. Any donated leave the recipient does not use, remains in the recipient's sick leave balance.
3. Recipient's qualifications to receive leave donations:
  - a. The employee must be on an extended absence for a catastrophic reason, usually covered by FMLA and/or Workers Compensation.

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- b. The employee must exhaust his/her own leave benefits, before the absence is expected to end.
4. Request restrictions:
- a. The donation request must be received in the OHRM before recipient returns to work.
  - b. OHRM must receive the request by the Friday before pay day.
  - c. OHRM will not process leave donation requests providing more sick leave than needed to cover the recipient's absence, or beyond the date the recipient will likely be separated from employment (e.g. approval and receipt of long-term disability insurance).
  - d. Donated leave can only be used after the request is received, approved, and processed (i.e. not retro-active to previous pay periods), unless authorized by the Director of OHRM.

K. Administrative Leave. The Director, in consultation with the department head, may place an employee on administrative leave when determined to be in the best interest of Utah County.

## III. References