

# Issue Analysis Form



**Date:** October 25, 2022  
**Item:** Personnel Policy Revision  
**Lead Department(s):** Human Resources  
**Contact Person(s):** Corrie Hurt

## Description and Current Status

Staff has revised personnel policy entitled **Equal Employment Opportunity/ADA Statement** and the policy entitled **Leave** for the Board's consideration at the October 25, 2022 meeting.

**Equal Employment Opportunity/ADA Statement** – Proposed to remove language from section 1.4 under Grievance Procedure. All employees have a right to grieve for discrimination based on a disability and this language is included in our current grievance policy. This change will point employees to policy 30.1-30.7 for the grievance procedure.

**Leave** – Proposed to revise language to match the Code of Virginia and will increase the number of days for Military leave from 15 to 21 per federal fiscal year (October – September). This change went into effect July 1 so we are revising our policy to be in compliance with the change. There is also a revision to the Sick Leave section and FMLA section of the policy.

## Government Path

- |  |   |  |
|--|---|--|
| Does this require IDA action?                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does this require BZA action?                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action?  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Does this require a public hearing?            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| If so, before what date?                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

## Fiscal Impact Statement

None.

## County Impact

Personnel policy updates to keep us compliant and keep employees updated with accurate information.

## Notes

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 25<sup>th</sup> day of October, 2022:

Present:

Vote:

Marlene J. Waymack, Chair  
Donald R. Hunter, Vice Chair  
Floyd M. Brown, Jr.  
Alan R. Carmichael  
T. J. Webb

A-3

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried a vote of four in favor and one opposed, the following Resolution was adopted:

RESOLUTION; REVISION TO PERSONNEL POLICY SECTION 24.1 - 24.25  
ENTITLED *LEAVE*

WHEREAS the Prince George County Personnel Policy Manual has been reviewed by staff and it has been recommended that the personnel policy entitled *Leave* be reviewed and considered for revision in the County's Personnel Policies;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Prince George, this 25<sup>th</sup> day of October, 2022 does hereby amend the Prince George County Personnel Policies by approving a revision to the personnel policy entitled *Leave* as requested.

A Copy Teste:

\_\_\_\_\_  
Jeffrey D. Stoke  
County Administrator

<b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b>  Prince George, Virginia	<b>POLICY NUMBER:</b> 24.1 through 24.254	Page 1 of 19
	<b>SUPERSEDES:</b> <del>November 23, 2021</del> <b>March 22, 2022</b>	<b>DATE ISSUED:</b> <b>March 22, 2022</b>
<b>SUBJECT:</b>  Leave	<b>AUTHORIZATION:</b> Adopted by the Board of Supervisors; to become effective <del>March 22, 2022</del>	

## 24.1 Annual Leave Accrual

Annual leave accrues semi-monthly at the end of each pay period. Pay periods are defined as the 1<sup>st</sup> through the 15<sup>th</sup> and the 16<sup>th</sup> through the last day of the month. An employee cannot use annual leave until it is accrued. Therefore, the amount of annual leave used during a pay period shall not exceed an employee's annual leave balance at the beginning of the pay period. Annual leave does not accrue when an employee is on leave without pay for any part of a pay period.

Annual leave shall accrue per pay period for 40 hour/week employees as set forth below:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Days Accrued</u>	<u>Maximum Allowed</u>
Zero to Five	4 hours	Twelve Days	192 hours or 24 Days
Six to Ten	5 hours	Fifteen Days	240 hours or 30 Days
Eleven to Fifteen	6 hours	Eighteen Days	288 hours or 36 Days
Sixteen to Twenty	7 hours	Twenty-one Days	336 hours or 42 Days
Twenty-one and above	8 hours	Twenty-four Days	384 hours or 48 Days

Annual leave shall accrue per pay period for EMT/Firefighter on a 28 day 24-hour shift schedule as set forth below:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Days Accrued</u>	<u>Maximum Allowed</u>
Zero to Five	6 hours	Twelve Days	288 hours or 24 Days
Six to Ten	7.5 hours	Fifteen Days	360 hours or 30 Days
Eleven to Fifteen	9 hours	Eighteen Days	432 hours or 36 Days
Sixteen to Twenty	10.5 hours	Twenty-one Days	504 hours or 42 Days
Twenty-one and above	12 hours	Twenty-four Days	576 hours or 48 Days

Annual leave shall accrue per pay period for part-time regular employees, as set forth below:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Days Accrued</u>	<u>Maximum Allowed</u>
Zero to Five	2 hours	Twelve Days	96 hours or 24 Days
Six to Ten	2.5 hours	Fifteen Days	120 hours or 30 Days
Eleven to Fifteen	3 hours	Eighteen Days	144 hours or 36 Days
Sixteen to Twenty	3.5 hours	Twenty-one Days	168 hours or 42 Days
Twenty-one and above	4 hours	Twenty-four Days	192 hours or 48 Days

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## 24.2 Approval of Annual Leave

Annual leave must be approved in advance, except in the case of illness or emergency. An employee seeking to use his/her annual leave shall submit a Leave Request Form or submit an accrual request through Employee Self Service (ESS) to their Department Director at least forty-eight hours in advance of the first day of requested leave. Requests for annual leave of more than two (2) consecutive work days must be submitted to the Department Director at least one (1) week in advance of the first day of requested leave. All requests for use of annual leave are subject to approval by the Department Director, who in his/her sole discretion, may approve use of annual leave with shorter notice than specified in this section, if circumstances warrant. County Administrator shall endorse leave per policy and compliance. Department Directors may establish a policy, as approved by the County Administrator, which requires employees to utilize up to 5 consecutive days of annual leave within a 12 month period.

## 24.3 Annual Leave & PTO Payout

Employees who have accrued annual or PTO leave may request a pay out of a portion of their accrued annual or PTO leave subject to the provisions set forth in the Annual Leave & PTO Payout Administrative Policy and budgetary constraints. Employees with 40 hours or less in accrued leave will not be permitted to participate in a pay out of any portion.

## 24.4 Sick Leave

Sick Leave shall be defined as leave with pay granted to an employee for any of the following events related to the employee, employee's spouse, or employee's dependent children, or employee's parent; however, sick leave used for the illness or incapacity of the employee's parent shall not exceed 40 hours per calendar year:

1. illness
2. bodily injury resulting in disability
3. medical and dental appointments

3.4. both mother and father are entitled to use sick leave for the birth or placement of their child and/or to be with the healthy child after the birth or placement (bonding time) \*more guidance available under FMLA

An employee must notify the Department each day of absence due to illness or injury, unless the illness or injury will result in the employee's absence of

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more than twenty-four (24) consecutive working hours in which case the expected duration of the absence will be communicated to the Department Director. Employees who are absent for extended periods shall notify the Department Director of their status at least once each week.

When an employee is incapacitated by an extended personal illness or disability, participating members of the Sick Leave Bank may utilize the Bank as an additional source of leave days. Refer to Section 25.

Sick leave shall accrue at the end of each pay period at a rate of 4 hours for 40 hour/week employees. Sick leave shall accrue at the end of each pay period at a rate of 6 hours for EMT/Firefighter on a 28 day 24-hour shift schedule. Sick leave shall accrue at the end of each pay period at a rate of 2 hours for part-time regular employees. There is no limit on sick leave accrual. Sick leave does not accrue when an employee is on leave without pay for any part of a pay period.

#### **24.5 Compensatory Leave**

Compensatory time may be accrued in lieu of overtime according to the Fair Labor Standards Act (FLSA). A notice to the employee that compensatory time will be given in lieu of overtime pay may evidence an agreement or understanding. This agreement or understanding to provide compensatory time off in lieu of monetary overtime compensation may take the form of an expressed condition of employment, provided the employee knowingly and voluntarily agrees to it as a condition of employment, and the employee is informed that the compensatory time received may be preserved, used or cashed out consistent with the provisions of FLSA.

An agreement or understanding is presumed to exist with respect to any employee who fails to express to the employer an unwillingness to accept compensatory time off in lieu of overtime pay. The employee's decision to accept compensatory time off in lieu of monetary overtime payments must be made freely and without coercion or pressure.

Department Directors may have the right to deny an employee's request to earn overtime if the employee is unwilling to accept compensatory time.

Full time employees generally may accrue up to 240 hours of compensatory time.

Employees who have accrued balances of compensatory time and have requested use of this compensatory time shall be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the operations of the County.

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Compensatory leave balances for all full-time employees may not exceed 120 hours at the end of the calendar year. To achieve this goal, Department Directors may require employees to use compensatory time first, in lieu of annual leave. Any hours that exceed the 120 hour threshold will be paid to the employee and they will remain at the 120 hour balance. At the discretion of the County Administrator, should extenuating circumstance arise, this time period may be temporarily adjusted. Forfeiture of accrued annual leave may occur if the balance exceeds the maximum allowed at calendar end.

#### **24.6 Volunteer Leave**

Volunteer leave is leave taken that allows employees to perform acts of a charitable or giving nature at a charity and/or organization as approved by the County Administrator. Full-time employees will be allowed to take up to sixteen (16) hours of leave per year. All part-time employees will be allowed to take up to eight (8) hours per year. A volunteer leave form must be turned in to payroll during the pay period in which the leave was taken. A Volunteer Leave Form may be obtained in Employee Self Service.

#### **24.7 Charitable Leave**

Charitable leave is leave that is given as part of the annual charitable giving campaign. Employees who donate to a qualifying charity are given leave each January as follows: If employees give a minimum annual donation to a local 501(c)(3) organization or any established non-profit organization in Prince George County, they receive 4 hours of charitable leave for \$100 donation or 8 hours of leave for \$200 or more donated. When employees donate to the highlighted charity during the annual campaign, they receive 6 hours of leave for \$100 donation or 12 hours of leave for \$200 or more donated. All hours shall be used by December 31 of each year or they will be forfeited.

#### **24.724.8 Physician's Certificate**

Employees must submit a physician's certificate to their Department Director to obtain sick leave for absences due to illness/injury in excess of three or more consecutive work days (36 hours for 28 day 24-hour shift employees) within two (2) work days (24 hours for 28 day 24-hour shift employees) after returning to work. If a Physician's Certificate is not furnished, sick leave will be denied and the absences shall be considered as leave without pay, in the absence of extenuating circumstances. The Department Director may, for good cause shown, waive the certificate requirement.

#### **24.98 Pay-Out Policy**

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Annual leave shall be paid out at no more than the maximum number of hours allowed in carry-over upon termination of employment at the rate of pay in effect at the time of termination.

Compensatory leave shall be paid out at 100% upon termination of employment at the rate of pay in effect at the time of termination.

Upon separation from employment, with the exception of involuntary termination, sick leave shall be paid out as set forth below:

0-90 days of service	0% of accrued leave
91 days to 5 years of service	10% of accrued leave
6 to 10 years of service	15% accrued leave
11 to 15 years of service	20% of accrued leave
16 r more years of service	25% of accrued leave

#### **24.109 Leave Conversion**

When an employee transitions from a position that earns Paid Time Off (PTO) into a hazardous duty position, the VRS rules change and they are classified as VRS Plan 2 and would then be eligible to earn Annual and Sick Leave and would no longer earn PTO.

The remaining PTO will be converted into Annual and Sick leave using the following methodology: The balance of their PTO based on the effective date of their personnel action form will be split with 1/3 of the balance going to Annual Leave and 2/3 of the balance going to Sick Leave.

#### **24.110 Military Leave**

Any employee who is a former member of the armed services or member of the organized reserve forces of any of the armed services of the United States or National Guard ~~is a member of the Armed Forces of the United States, National Guard or the Military Reserve Forces of the United States~~ and who is ordered in accordance with the Code of Virginia, article 10, section 44-93 and Title 38 of the United States Code, Chapter 43, shall be granted a leave of absence with pay, not to exceed 2145 regularly scheduled work days per federal year defined as October 1<sup>st</sup> through September 30<sup>th</sup>. For 28 day 24-hour shift employees, one day equals 12 hours for military leave purposes. For all other employees, one day equals 8 hours for military leave purposes. The employee may retain both the pay check from the County and the pay check from the military.

During the period of paid military leave, the respective employee shall continue to accrue all employment benefits, including sick, annual leave, and compensatory leave, as well as paid medical and retirement benefits. Paid

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military leave will not count towards hours worked for the calculation of overtime. Once available paid military leave is exhausted, the employee must take available annual leave or other eligible leave time to continue to receive all employment benefits. Once the employee has exhausted all available annual leave or other eligible leave, the employee will be considered to be on military leave of absence without pay. Employees on unpaid leave of absence do not accrue benefits but may choose to continue health insurance through Cobra coverage by paying the entire monthly premium.

On receipt of orders, the employee will submit a request for leave form, with a copy of the orders attached, to their immediate supervisor and for submission to the Human Resources and Payroll offices. Unless giving notice is precluded by military necessity or is otherwise impossible or unreasonable, a copy of the employee's military orders should be submitted to the employee's supervisor as proof of authorization for the leave as soon as it is available. The copy of the military orders should be retained in the employee's personnel file in the Human Resources department.

The use of Military Leave with proper orders is mandatory and is not within the discretion of the supervisor. Additional Military Leave provisions may apply; contact Human Resources for more information. The Human Resources department will provide further information to employees regarding their benefits which will include their retirement coverage during unpaid military leave of absences.

Should the employee go on leave without pay status, the employee must adhere to the Leave of Absence without pay policy outlined in section 24.14 of the personnel policy. Employees will be afforded reemployment rights if required conditions are met.

#### **24.124 Civil Leave**

In an attempt to help an employee perform certain civic responsibilities when called upon, the County shall provide leave for court appearances or service on a jury panel. Any person who is summoned to serve on jury duty or any person, except a defendant in a criminal case, who is summoned or subpoenaed to appear in any court of law or equity when a case is to be heard or who, having appeared, is required in writing by the court to appear at any future hearing, shall neither be discharged from employment, nor have any adverse personnel action taken against him/her, nor shall he/she be required to use sick leave or annual leave as a result of his/her absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his/her employer of such court appearance or summons. No person who is summoned to serve on jury duty shall be required to work on the day of his/her service except, however, after an employee has testified and



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been excused or after jurors have been excused for the day, the employee shall return to work if he/she can arrive four (4) hours before working hours end. The requirement to return to work shall not apply when the employee's work shift begins on or after 5:00 p.m. on the day of his/her appearance for jury duty or begins before 3:00 a.m. on the day following the day of his/her appearance for jury duty.

Employees shall submit to the Department Director, a copy of their official summons for jury duty or witness services within 24 hours of receiving such notice. Employees acting in the capacity of a paid consultant as secondary employment when summoned or subpoenaed to appear in court, shall be required to use annual leave.

### **24.132 Administrative Leave**

Exempt employees shall earn hour-for-hour administrative leave when called on to work a designated County Holiday or Administrative closing, having received previous authorization to do so. Administrative leave may be substituted for another prior approved leave.

Upon the written request of any employee, and with the recommendation of the Department Director, the County Administrator may grant administrative leave, with or without pay, to an employee in an amount not to exceed one day in extraordinary circumstances where the need for leave does not fit within any other leave category.

### **24.143 Bereavement Leave**

In case of the death of an employee's immediate relative: spouse, parent, step-parent, sibling, step-sibling, child, step-child, grandparent, grandchild, guardian, and same relatives of spouse, inclusive of those relationships arising from adoption, a regular employee will be allowed up to three (3) regularly-scheduled work days off with pay upon notification of the employee's Department Director, who will notify the County Administrator. EMT/Firefighter on a 28 day 24-hour shift schedule may receive up to thirty-six (36) hours off with pay upon notification of the employee's Department Director, who will notify the County Administrator. The employee's time off from work, because of a death in the family, must actually be taken immediately following the death. A leave form shall be promptly submitted for bereavement leave and will supersede other leave already approved.

In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the bereavement leave shall be granted accordingly.

### **24.154 Family Medical Leave Act**

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The County will adhere to the mandates of the Family Medical Leave Act of 1993. Employees of the County who meet the guidelines established by FMLA shall be entitled to use up to, but not exceeding, twelve (12) weeks ~~(60 work days)~~ of family medical leave during a rolling twelve (12) month calendar period for the following events and/or conditions.

1. care of the employee's newborn child,
2. placement of a child for adoption or foster care,
3. care of an employee's spouse, child or parent with a serious health condition,
4. employee's own serious health condition that makes the employee unable to perform the functions of his/her position,
5. Other circumstances as may be implemented through enacted revisions to the FMLA.

For the purpose of this policy, a twelve (12) month period will begin with the first day of leave taken and extend through twelve (12) weeks. Employees may request to use intermittent leave and such requests should have specific doctor notes when submitting to the HR department. A work week will be considered 40 hours for FTE with the exception of Fire & EMS employees who are scheduled to work 24-hour days. Their work week will be 53 hours. Requests for Family Medical Leave, if possible, should be submitted 30 days in advance and must be approved by the County Administrator or his/her designee. Physician certification of the qualifying leave event shall be provided by the employee prior to granting provisions of this policy.

Employees utilizing medical leave under FMLA shall be required to use paid accumulated ~~PTO, sick and/or annual leave, leave,~~ if available, concurrently with FMLA. Use of accrued leave for qualifying purposes must be in accordance with the leave policies established by the Prince George County Personnel Policy Manual.

There are occurrences when an employee does not specifically request leave under FMLA, but his/her leave may qualify as FMLA leave. This leave may be designated by the employer as FMLA leave. The Director of Human Resources or designee must inform the employee that leave will be designated as FMLA leave in accordance with FMLA regulations.

Extended periods of sick leave (6 consecutive working days or more) shall be designated as FMLA leave and counted towards the twelve (12) week entitlement. Shorter periods of leave that qualify (any subsequent treatment or period of incapacity relating to the same condition) may be designated at the discretion of the Director of Human Resources or designee. Department

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Directors are required to notify the Department of Human Resources on the morning of the sixth day of continued absence for any of their employees.

If the County was not aware of the reason for an employee's leave, and the leave qualifies for FMLA, leave may be retroactively designated as FMLA leave within two (2) business days of the employee's return to work. If medical certifications fail to confirm the absence as a qualifying event under FMLA, the employer must withdraw the designation with appropriate notice to the employee.

Once an employee has exhausted FMLA leave and cannot return to work, the County is not obligated to hold the employee's position even if the employee has a remaining accrued leave balance.

In cases where both spouses work for the county (inclusive of school employees), leave for the birth or adoption of a child is limited to twelve (12) weeks combined.

*(See Employee Rights and Responsibilities under The Family and Medical Leave Act at the end of this Policy for additional information)*

#### **24.165 Leave of Absence Without Pay**

The County recognizes that a matter of unusual or emergency nature may cause an employee to leave the job for a specific period of time. A leave of absence without pay may be granted in necessary circumstances, not to exceed six (6) months. Approval for a leave of absence for all full-time employees should be presented in writing from the employee with the recommendation of the Department Director to the County Administrator for approval, prior to such leave. The County Administrator may approve up to eight (8) weeks leave of absence without pay. Time periods in excess of eight (8) weeks require Board approval.

The Board of Supervisors may extend the six (6) months leave of absence for an additional six (6) months resulting in a maximum leave of absence period of twelve (12) months.

An employee will not accrue any type of leave when in a leave without pay status. An employee will not be compensated for holidays while on leave without pay.

An employee on leave due to suspension based on a criminal investigation will have annual, sick and PTO leave balances restored in full if the employee is reinstated. Holiday hours will be restored, if applicable.

Although an employee may be considered for promotion while in a leave without pay status, the date of the promotion cannot become effective while on leave without pay.

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Leave without pay for less than 30 days does not affect an employee's anniversary date. When leave without pay is granted for 30 days or more, the employee's anniversary date shall be adjusted month for month.

Except for certain provisions of the Family and Medical Leave Act, and when an employee is on approved leave with or without pay status, retention of a position for the employee cannot be guaranteed.

#### **24.176 Paid Time Off Plan**

General Information regarding the paid time off plan is as follows:

1. New full-time employees hired on or after January 1, 2014 who are enrolled in the VRS Hybrid Plan will receive PTO in place of annual leave and sick leave. Holidays and all other forms of paid leave are separate and remain outside the PTO structure.

#### **24.187 Introduction**

The Paid Time Off (PTO) plan is a comprehensive program that recognizes the many diverse needs of employees for time off from work and also includes a disability plan providing income protection during periods of extended illness or injury. Hours accrued in the PTO plan may be used for any purpose when scheduled in advance or at times when unforeseen circumstances cause an unscheduled absence. For unplanned absences, employees must follow department procedures for supervisor approval.

#### **24.198 Definitions**

Elimination Period – A waiting period before an employee can utilize short-term or long-term disability benefits.

Paid Time Off (PTO) – A leave program that combines annual and sick leave into one leave bank.

Short-term Disability (STD) – A benefit that pays qualified employees in most cases, 60% of their salary for up to 125 working days.

#### **24.2019 Traditional Leave Plans**

The following leave programs are available to employees in the PTO plan and employees in the traditional leave plan in accordance with the County Personnel Policy, Section 24; Leave: bereavement leave, civil leave, standard

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holidays, military leave, compensatory leave, charitable leave, administrative leave, and volunteer leave.

## 24.210 Paid Time off Accrual

PTO is a single category of leave to be used in lieu of traditional annual leave and sick leave. When properly scheduled, PTO can be used for vacations, personal or family business, illness, family illness, doctor's appointment, and other reasons. PTO cannot be used until it has been accrued and must be approved in advance for planned absences. For unplanned absences, employees must follow department procedures for supervisor approval.

PTO is accrued based on years of service for each completed pay period of service at the following rates:

### *PTO Accrual Schedule*

					PTO Plan		
					Years of service	Total Days	Carryover
					0-5 years	21	28
					6-10 years	24	34
					11-15 years	27	38
					16-20 years	30	44
					21+ years	33	50

Years of Full-Time Service	Accrued Hours per Pay Period	Accrued Hours per Year	Carryover Maximum
0-5 years	7	168 hours	224 hours
6-10 years	8	192 hours	272 hours
11-15 years	9	216 hours	304 hours
16-20 years	10	240 hours	352 hours
21+ years	11	264 hours	400 hours

PTO is accrued during 24 pay periods each calendar year. At the end of each year, all PTO leave in excess of the maximum carryover balance, which is unused by the pay period which includes December 31, is forfeited. It is the employee's sole responsibility to monitor his or her PTO balance. Any notices received by management are a courtesy and do not relieve employees of the responsibility to monitor PTO balances.

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A full-time employee who changes their status to part-time and later back to full-time status with no break in service shall be given credit for previous full-time service for the purposes of establishing the employee's PTO accrual rate.

When employees have exhausted all of their PTO, they may be placed in a leave-without-pay status. During the time employees are in a leave-without-pay-status, they will not accrue PTO leave.

PTO will not be counted as hours worked for the purposes of calculating overtime pay.

Upon separation or retirement, employees are paid for accumulated PTO leave at their regular hourly rate up to the maximum allowable balance.

A former full-time employee separated from the county in good standing or due to a reduction in force, who is reemployed full-time within 31 consecutive calendar days, shall be given credit for previous service solely for the purpose of accruing PTO. See Personnel Policy 5.15; Reinstatement of Former Employees.

#### **24.224 Scheduling and Use of Paid Time Off Hours**

PTO leave requests may be granted if the request does not conflict with the needs or objectives of the department. The decision of department management as to when PTO leave may be taken is final. Operational needs of the department may be considered when preparing leave schedules. Unscheduled PTO leave should be kept to a minimum whenever possible by planning and scheduling absences. Supervisors may request verification of unscheduled absences by requiring a physician's statement. When an unforeseen need for PTO occurs, employees must notify the appropriate supervisor prior to the start of the shift. Failure to notify the supervisor of an absence or excessive unscheduled leave is considered grounds for disciplinary action.

It is recommended that employees maintain sufficient PTO hours to cover the 7-day elimination period and to supplement any anticipated short-term disability. Employees are not provided job protection when in leave-without-pay or STD status except when they have been concurrently approved for FMLA. For more information on FMLA, refer to section 24.13; Family Medical Leave Act in the County Personnel Policies.

#### **24.232 Short-Term Disability**

1. Short-term Disability Plan – Short-term disability (STD) is a component of the PTO plan that provides, in most cases, income replacement at 60% of

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an employee's base pay when an employee is unable to work due to an illness, injury, or disability. All PTO enrollees are eligible to participate in short-term disability at no cost to them.

2. **Waiting Period for New Employees**– Work-related disability is provided when an employee begins employment in the VRS – Hybrid plan; non-work related disability has a one-year waiting period.
3. **Exceptions to the waiting period** – The waiting period of seven calendar days will be waived for catastrophic or chronic conditions.
4. **Elimination Period** – There is a 7 calendar day elimination period before STD benefits are payable when an employee is unable to work due to a work-related or non-work related illness, injury, or disability. An employee must use accrued leave or PTO for the first 7 consecutive calendar days of missed work. Leave without pay may not be taken until such time that the PTO bank or other accruals have been exhausted. Once PTO and other accruals have been exhausted, the employee may be placed on leave without pay.
5. **Worker's Compensation Claim** – If the employee is unable to work due to a work-related injury, and worker's compensation benefits have been approved, the employee would be paid in accordance with the county personnel policies; section 26.1; Worker's Compensation Insurance and no STD benefits would be due to the employee. If the employee has been denied worker's compensation for a work-related injury, the STD claim is subject to approval by the third party advice-to-pay vendor and if approved, there is a 7 calendar day waiting period before income replacement is paid.
6. **Filing a Claim** – It is the employee's responsibility to immediately initiate a claim form as soon as they believe they will be out of work for more than 7 calendar days in the event of a work-related illness, injury, or disability, but in no case shall it be later than the last day of the elimination period. Employees must contact the Human Resources Department or their supervisor to begin the claim process through our third-party vendor. When possible, the medical certification should be submitted with the claim form; however, the employee has a maximum of 15 days to submit the medical certification form.
7. **STD Benefits** – Upon the advice to pay from our third party vendor, employees are eligible for the following income replacement for work-related illness, injury, or disability and non-work related disabilities for a maximum period of 125 working days:

*Income replacement for work-related disabilities*

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Months of continuous service	Workdays of income replacement at 100%	Workdays of income replacement at 80%	Workdays of income replacement at 60%
Fewer than 60	0	0	125
60-119	85	25	15
120 or more	85	40	0

*Income replacement for non-work-related disabilities*

Months of continuous service	Workdays of income replacement at 100%	Workdays of income replacement at 80%	Workdays of income replacement at 60%
Less than 12	0	0	0
13-59	0	0	125
60-119	25	25	75
120-179	25	50	50
180 or more	25	75	25

Employees must use any remaining PTO or other accruals to supplement STD to remain at 100% of their pay. In no instance shall the supplement exceed 100% of the employee's regular base pay rate. Employees will not accrue PTO while they are receiving benefits under STD. STD benefits are paid by the county on regular county paydays and are based on the employee's regular rate of pay. STD benefits are subject to state and federal withholdings in the year they are received. Deductions from the employee's pay check will continue. County contributions will also continue as long as the employee is on STD. Employees receiving benefits from STD will receive VRS service and salary credit as defined in VRS guidelines.

\*VRS - Hybrid employees have the option to purchase a supplemental Short-term disability policy that will assist should their claim be denied or during the one year waiting period. These policies are offered through a third-party vendor and are available for payroll deductions.

8. Pre-Existing Limitation – There is no pre-existing condition clause.
  
9. Discontinuation of STD Benefits – STD benefits will be terminated at the earliest of the events below:



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- a. At the conclusion of the 125 working day STD maximum benefit
  - b. When an employee is no longer sick, injured, or disabled based on medical determination
  - c. Failure of the employee to provide medical certification of illness, injury, or disability
  - d. Termination of employment
  - e. The employee becomes deceased
  - f. Failure of the employee to provide documentation that he continues to be unable to work due to illness, injury, or disability or any other required documentation
  - g. Falsification of records or other fraud or misuse
10. Return to Work – When an employee who has been out on STD for his own serious health condition is ready to return to work, the employee will be required to present a statement from his health care provider certifying that the employee is medically able to return to work. If an employee returns to work prior to the end of the STD - 125 working day benefit maximum for less than 45 calendar days and becomes disabled again due to the original disability (a recurrence), STD benefits will resume without a new elimination period.

A recurring disability or a new disability occurring after a return to work of 45 or more calendar days will be deemed a new disability. This will result in a new STD claim, with a new elimination period before benefits apply.

If an employee is able to return to work on a modified or reduced schedule during the 125 work day benefit period, a request for part-time STD benefits must be reviewed and approved. Once this has been approved, and during the 125 working day benefit period, wages for hours worked are paid and STD replaces the regular hours not worked at the 60% pay replacement level.

11. Request for an Independent Medical Examination – The employee's department Director, in coordination with the Human Resources Department, may at any time request that the employee receiving STD report to the Medical Center for an independent medical review to provide a second opinion.
12. Overpayments – If STD benefits are overpaid for any reason, the County has the right to recover the amount overpaid.

### **24.243 Long-Term Disability**

When an employee is not expected to be able to return to work at the expiration of STD benefits, LTD benefits will begin upon the expiration of the

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maximum period of 125 working days for which the employee receives STD benefits. The county's third party vendor will be responsible for payment to the employee directly for any LTD benefits that they are eligible for.

1. Maximum Benefit Period – The following table will display the maximum benefit period for LTD:

Age at date of disability	Maximum benefit period
59 or younger	To Social Security normal retirement age (SSNRA)
60 through 64	5 years
65 through 68	To age 70
69 or older	1 year

2. Military Disability Benefits Offset – LTD benefits will not be offset for any military disability benefits received by the employee.
3. Worker's Compensation Benefit Offset – Any amount received by the employee from worker's compensation, including amounts for partial or total disability, will reduce the LTD benefit.
4. Group Insurance Disability Offset – Any amount received from another group disability plan provided by the employer will reduce LTD benefits provided through the PTO plan.
5. Taxability – The benefit is taxable since the employer pays premiums for the disability insurance. The third party vendor will provide appropriate income tax forms to the employee for the period in which they are on LTD.
6. Employee Contributions – The third party vendor will be responsible for collecting the required minimum 1% contribution for the defined contribution while the employee is on LTD. The third party vendor will submit those premiums to the county for submission to VRS during such time as the employee is on LTD. The employee is eligible to remain on the employer's health and dental insurance and shall pay the entire premium (employee + employer portion) to the county on a monthly basis as indicated by the county.
7. Retirement Benefit – When the employee's 1% defined contribution is received, this ensures that the employee continues to receive credible compensation for their retirement. The employer will not contribute to the employee's retirement during such time as the employee is on LTD.
8. Mental Disorder Limitation – Mental disorders will not be limited under the policy.

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9. Rehabilitation Incentive – While the employee is participating in an approved rehabilitation plan, the LTD benefit will be increased by 10% of pre-disability earnings.
10. Survivors Benefit – If the employee dies while LTD is payable and the employee had been continuously disabled for 180 days, a lump-sum survivor benefit in the amount of three times the monthly benefit is paid.

#### **24.254 Healthy Living Day**

1. General Provisions - It is the policy of Prince George County to allow county employees an additional source of administrative leave for utilizing minimal personal sick leave from work. This is known as the Healthy Living Day.
2. Eligibility for Participation - The Healthy Living Day is a voluntary benefit offered on an annual basis to county employees who utilize minimal personal sick leave from work. Full-time employees who meet the identified criteria and use less than 24 hours of personal sick leave in a 12 month period will be awarded eight hours of administrative leave. Part-time regular employees who meet the identified criteria and use less than 12 hours of personal sick leave in a 12 month period will be awarded four hours of administrative leave. 24 hour shift employees who meet the identified criteria and use less than 36 hours of personal sick leave in a 12 month period will be awarded 12 hours of administrative leave in a 12 month period. Time will be earned after the 12 month period has ended.
3. Terms of Participation - Employee participation is voluntary. In order to participate in the Healthy Living Day, each employee will be required to sign a form agreeing to the eligibility requirements and submit that form to the Wellness Committee during the month of December. The program will run from January 1 to December 31<sup>st</sup> each year.

Employees must submit a leave slip, to be approved by their supervisor, for personal sick time used. A leave slip will be required for personal sick time though employees may be allowed to flex their hours of work. Employees will not have sick leave deducted from their accrual balances if it is not needed. This is for record keeping purposes only for the Healthy Living Day. Wellness visits, to include all preventive services such as the eye doctor, dentist, annual exams, etc. would not count against the designated hours of sick leave. Leave used for sick children or parents, nor their wellness visits, would count against the designated hours of sick leave. Employees that utilize FMLA during the calendar year would no longer be

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qualified to participate for the initiative. According to the Personnel manual, extended sick leave of six working days or more will be designated as FMLA.

4. Use of Administrative Leave - Employees would be required to use Administrative Leave, earned from the Healthy Living Day, before the use of annual leave or compensatory time.
5. Disqualification of Participation -When an employee utilizes the maximum designated amount of personal sick time, the employee would be disqualified from earning the Healthy Living Day.
6. Administration - The personal sick leave used will be recorded by the Finance Department. All approved personal sick time leave slips must be forwarded to the Finance Department for record keeping purposes and for posting of the designated hours of administrative leave at the end of the calendar year.

**EMPLOYEE RIGHTS AND RESPONSIBILITIES  
UNDER THE FAMILY AND MEDICAL LEAVE ACT**

**Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

**Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Benefits and Protections**

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During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

**Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

**Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

**Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

**Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to: (1) Interfere with, restrain, or deny the exercise of any right provided under FMLA; and (2) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.