

ARTICLE 6

Holidays and Leave

Section 601 Paid Holidays Observed

- A. The North Carolina State Government Holiday Schedule as approved by the Office of State Human Resources and such others as the Board of Commissioners may designate shall be observed by County offices and shall be counted as hours worked.

All salaried employees appointed to a regular full-time established position, and all part-time employees normally scheduled to work the day on which the holiday falls, as documented on personnel action form, shall receive these days with pay.

- B. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work scheduled so that an employee may be granted annual leave for the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the County.

Section 602 Effect of Holidays on Other Types of Paid Leave

Regular holidays that occur during a vacation, sick, or other paid leave period of any employee of the County shall not be charged as vacation, sick, or other paid leave. Holidays that occur during leave without pay will not be paid.

Section 603 Holidays – When Work is Required

Essential regular full-time public safety, employees required to perform work on regularly scheduled holidays will be paid up to twelve (12) hours per holiday on top of their base pay for hours actually worked on a holiday. Essential regular full-time public safety employees who work less than (8) hours, or that do not work on a holiday, will be paid eight (8) hours of holiday pay. Regularly scheduled part-time employees required to perform work on a holiday will be paid a pro rata share of any (8) hour holiday. All other employees required to perform work on regularly scheduled holidays may be granted compensatory time off at the rate of one hour off **for each hour worked on a holiday. Compensatory time for holiday work shall be granted within three (3) months from the date it is earned.**

A holiday is defined as beginning at midnight and continuing for twenty-four (24) hours until the following midnight.

Section 604 Adverse Weather Conditions

County offices and departments shall remain open for the full scheduled work day unless authorization for early closing or other deviation is received from the County Manager's office. All departments and offices will be given sufficient advance notice of any authorized early closing. Employees scheduled to work during an authorized official closing or other deviation, will be given full credit for all their work hours scheduled but missed during the period covered by the authorized official closing or other deviation. Employees who leave work before an official early closing time, as well as those employees who report for work late or do not report for work at all, will be required to use earned vacation to account for this unauthorized missed time. Also, any employee who has leave time approved prior to the issuance of an authorization for early closing or other deviation, will be required to honor that approved leave time.

The authorization for early closing or other deviation issued by the County Manager's office is not applicable to those County offices and departments that perform an essential public safety function unless that office or department is specifically identified as being covered in the authorization.

Section 605 Annual Leave

- A. For the purpose of earning and accruing annual leave, the twelve (12) month period beginning with the first full pay period in January and ending with the pay period including December 31 is established as the leave year.

- B. Employees serving a probationary period following initial appointment shall not be permitted to take annual leave during the first six months of the probationary period unless the denial of such leave will create an unusual hardship. Any annual leave granted during this period shall have prior approval of the County Manager.
- C. Each employee normally scheduled to work at least 30 hours per week shall earn annual leave on a bi-weekly basis in accordance with the following schedule of total service:
1. Less than two years -.0453 hours for each hour worked with a maximum of 3.624 hours per pay period;
 2. Two years but less than five years -.0529 hours for each hour worked with a maximum of 4.232 hours per pay period;
 3. Five years but less than ten years -.0644 hours for each hour worked with a maximum of 5.152 hours per pay period;
 4. Ten years but less than fifteen -.0760 hours for each hour worked with a maximum of 6.080 hours per pay period;
 5. Fifteen years but less than twenty years -.0875 hours for each hour worked with a maximum of 7.000 hours per pay period;
 6. And twenty years or more -.099 hours for each hour worked with a maximum of 7.920 hours per pay period.
- D. Annual leave may be accumulated without any applicable maximum until the final pay period that includes December 31 of each leave year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours. On the final pay period that includes December 31 of the leave year, any employee with more than thirty (30) days or 240 hours of accumulated leave shall have the excess accumulation converted to sick leave so that only thirty (30) days or 240 hours are carried forward to January 1 of the next leave year.
- E. Annual leave shall be taken with the prior approval of the employee's Department Head.
- F. Annual leave shall not be advanced under any circumstances.
- G. An employee who is separated shall be paid for annual leave accumulated to the date of separation, not to exceed a maximum of thirty (30) days or 240 hours.

- H. The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account, not to exceed a maximum of thirty (30) days or 240 hours.

Section 606 Sick Leave

- A. Each employee normally scheduled to work at least 30 hours per week shall earn sick leave on a bi-weekly basis at the rate of .0461 per hour worked not to exceed 3.688 hours per pay period. Sick leave will be cumulative for an unlimited number of days.
- B. To the extent that employees have accrued sick leave, they may be granted sick leave for absence due to the following:
1. Sickness or bodily injury that prevents the employee from performing the regular duties of the job.
 2. Medical or dental appointments.
 3. The actual period of disability caused by or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom. A doctor's certificate is required to verify the employee's period of temporary disability for these reasons.
 4. Exposure to a contagious disease when continuing work might jeopardize the health of others.
 5. Death in the employee's immediate family as defined in Article 1 Section 604, not to exceed three (3) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the Department Head.
 6. Sick leave may also be requested for illness of a member of the employee's immediate family. For the purpose of leave policies, immediate family is defined as spouse, parent, sibling son, daughter, grandparent and grandchild. Also included are the step, half and in-law relationships as appropriate based on the above listing.
- C. Except in cases of emergency, Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or an employee must call the immediate supervisor at or prior to their schedule starting time for that day. Sick leave may only be taken with the approval of the immediate supervisor.

- D. The employee's Department Head or the County Manager may require a statement from the physician, or other acceptable proof, that the employee was unable to report for work as a condition of approving sick leave. At the expiration of an authorized sick leave period of 90 days or more, the employee's Department Head or County Manager may require a fitness-for-duty examination at the County's expense, to determine whether the employee is able to resume normal duties.
- E. Unused sick leave is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employee's Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over.-
- F. Employee must notify County of any unused sick leave earned from another North Carolina governmental agency. The total number of days accepted as transferred will be added to the record after completion of the six months probationary period. Verification of accumulated sick leave must be received in writing from the previous employer.
- G. Employees who retire or resign and are not reinstated with the County shall lose all sick leave credits. No employee shall be paid for any accrued sick leave if the employee leaves employment for any reason.

Section 607 Leave without Pay

- A. Leave without pay may be granted for up to six (6) months by the County Manager upon recommendation of the Department Head. Upon returning to duty after being on leave without pay, the employee shall be guaranteed a position of the same classification and pay. Failure to report for duty at the expiration of the leave without pay period, unless an extension has been granted, shall be considered a resignation.
- B. Vacation, holiday and sick leave credits will not be accrued during leave without pay. Longevity eligibility date will be extended by the same length of days (partial days shall revert to whole days) the employee was on leave without pay. Individual hospitalization and dental insurance provided for the employee by the employer during regular pay will not be provided as employer expense benefits during leave without pay, unless the employee is on FMLA leave or on the payroll a minimum of half the working days during the calendar month. The employee, however, may continue to be eligible for any benefit(s) under the County's group plans, subject to regulations adopted by the Board of Commissioners and the respective group carriers.

- C. The employee must apply in writing to the Department Head for leave without pay. The employee is obligated to return to work within or at the end of the time granted. Requests for leaves of absence without pay will be submitted to the County Manager as far in advance as possible.

Section 608 Shared Leave

- A. Voluntary Shared Leave Program – There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave-without-pay. It is recognized that such employees forced to go on leave-without-pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their vacation leave so as to provide assistance to a fellow County employee. This policy would provide an opportunity for employees to assist another affected by a serious medical condition that requires absence from duty for a period of time resulting in possible loss of income due to lack of accumulated leave. Vacation leave may also be donated to an employee for the serious medical condition of that employee's spouse, parent or child.

This policy and program will provide the opportunity for one employee to help another on a one-to-one, personal basis. It does not permit "banking" of leave.

In those cases of a medical condition an employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of another employee. For purposes of this policy, medical condition means medical condition of an employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee due to limited leave in the employee's leave account. The intent of this policy is to allow one employee to assist another in case of a crisis involving a serious or prolonged medical condition. It is not the intent of this policy to apply to incidental, normal, short-term medical conditions. The use of vacation on a shared basis for any purpose other than specified in this policy is prohibited. Sick leave may not be used in the voluntary shared leave program.

An employee who has a medical condition and who receives benefits from the Disability Income Plan is not eligible to participate in the shared leave program.

Participation in this program is limited to 1,040 hours, either continuously or, if for the same condition on a recurring basis. However, management may grant employee continuation in the program, month by month for a maximum of 2,080 hours, if management would have otherwise granted leave-without-pay.

- B. Administration - When implemented, this program shall be administered under the following conditions:
1. Qualifying to Participate and Application Process:
 2. Employee must be in permanent, probationary, or trainee appointment status and must apply for Shared Leave:
 - a. By letter of application to the County Manager, a recipient shall apply, or be nominated by a fellow employee to participate in the program.
 - b. Application for participation would include name, social security number, job title, description of the medical condition and estimated length of time needed to participate in the program.
 - c. Prior to making the employee's status public for purpose of receiving shared leave, the employee must sign a release to allow the status to be known.
 - d. The County Manager shall review the merits of the request and approve or disapprove. The County Manager may choose to delegate the responsibility for reviewing the validity of requests to the Human Resources Department for this purpose.
 - e. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited.
 3. Participation Requirements: A County employee may contribute only vacation leave to another County employee.
 4. Recipient Guidelines
 - a. A prospective recipient may make application for voluntary shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.
 - b. Participation in this program is limited to 1,040 hours, either continuously or, if for the same condition, on a recurring basis. However, management may grant employee continuation in the program, month by month for a maximum of 2,080 hours, if management would have otherwise granted leave without pay.
 - c. Subject to the maximum of 1,040 hours, the number of hours of leave an employee can receive is equal to the projected recovery or treatment period, less the employee's combined vacation and sick leave balance as of the beginning of the recovery or treatment period. The employee must exhaust all available leave before using donated leave.

- d. Leave donated to a recipient's leave account is exempt from the maximum accumulation carry over restrictions at calendar year end.
- e. At the expiration of the medical condition, as determined by the County, any unused leave in the recipient's donated leave account shall be treated as follows:

The vacation and sick leave account shall not exceed a combined total of 40 hours. Any additional unused donated leave will be returned to the donor(s) on a pro rata basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.

If a recipient separates from the County, participation in the program ends. Donated leave shall be returned to donor(s) on a pro rata basis.

5. Donor Guidelines

- a. County employees may contribute only vacation leave to another employee with the County. The minimum amount to be donated is four hours.
- b. The maximum amount of vacation leave allowed to be donated by one individual is to be no more than the amount of the individual's annual accrual rate. However, the amount donated is not to reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate:

Example 1 – Employee with 5 but less than 10 years of County service earns 133.95 hours annually. Employee may contribute four or more hours but may not reduce vacation balance below 66.98 hours.

Example 2 – Employee with more than 20 or more years of County service earns 205.92 hours annually. Employee may contribute four or more hours but may not reduce vacation leave balance below 102.96 hours.

C. Leave Accounting Procedures

To facilitate the administration of the program, the County may establish a specific time period during which leave can be donated.

The County shall establish a system of leave accountability which will accurately record leave donations and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes.

Withdrawals from recipient's leave account will be charged to the recipient's account according to usual leave policies.

Leave transferred under this program will be available for use on a current basis or may be retroactive for up to 30 calendar days to substitute for leave without pay

Each approved medical condition shall stand alone and donated leave not used for each approved incident shall be returned to the donor(s). Employees who donate "excess" leave (any amount above 240 maximum allowable carryover) at the end of December may not have it returned and converted to sick leave.

Section 609 Military Leave

- A. An employee who is a member of the National Guard or Armed Forces Reserve will be allowed ten (10) workdays of military training leave with pay annually and will be entitled to receive regular compensation in addition to the compensation received from the U.S. Armed Forces while on military leave. If such military duty is required beyond this period of ten (10) working days, the employee shall be eligible to take accumulated personal leave or be placed on military leave-without-pay status or reschedule the work hours at the option of the employee.
- B. While on military leave with partial or full pay the employee's leave credits and other benefits shall continue to accrue as if the employee remained with the County during this period. Employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act and USERRA. While on military leave without pay, the employee's benefits (such as vacation, etc.) do not accrue but when the service member returns to work, he or she would be entitled to the accrual schedule that would apply if he or she had been continuously employed during military service.
- C. The County may request that the employee provide copies of official orders or other appropriate documentation for all periods of active duty training. The employee may also be asked to provide a memorandum from the Unit Commander for periods of inactive duty training (weekend duty).
- D. Employees who are called to active duty or returning from active duty will have the rights provided for under the Uniformed Services Employment and Re-employment Rights Act of 1994. More information can be found at the following link: <http://webapps.dol.gov/elaws/vets/userra/userra.asp>

Section 610 Court Leave

County employee called for jury duty or as a job-related court witness for the Federal or State government, or a subdivision thereof, is entitled to a leave with pay for the period of absence required. Leave is granted for the period of time an employee is required to be in court. Employee shall be required to provide documentation from the court verifying attendance. When the court releases an employee with instructions to report back at a later time, the employee is expected to return to the regular work schedule for that day. The employee is entitled to regular compensation, plus fees received for jury duty. Employees shall take vacation or unpaid leave for court appearances that are not jury duty or for court appearances that are not required by the job for the period of absence required.

Section 611 Educational Leave with Pay

Leave of absence at full or partial pay for a period not to exceed sixty (60) working days may be granted, upon the recommendation of the Department Head and with the approval of the County Manager, to take courses of study that will better equip the employee to perform the respective job duties for the County. A leave of absence at full or partial pay for a period not to exceed nine (9) months may be granted for the same purpose, but only upon the recommendation of the Department Head and the County Manager with the approval of the Board of Commissioners. An employee on educational leave with full pay shall continue to earn leave credits and any others benefits to which County employees are entitled.

Section 612 Family and Medical Leave

- A. Family and Medical Leave Act: In general, Currituck County provides an eligible employee up to 12 workweeks of job-protected, unpaid leave (or to substitute appropriate earned or accrued leave) within any 12 month period for:
1. Birth or adoption of a child. (An employee must conclude leave for the birth or placement of a child or adoption or foster care within 12 months after the event). Leave may begin prior to birth or placement, as circumstances dictate.

2. To provide physical or psychological care for child, spouse, or parent with a serious health condition. A child, for purposes of FMLA leave is either under the age of 18 or is over the age of 18 but incapable of self-care due to a physical or mental disability that substantially limits one or more major life functions.
 3. To care for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's job or
 4. For qualifying military exigencies arising from the fact that the employee's spouse, son or daughter or parent is on active duty or has been notified of an impending call to active duty as a member of the Armed Forces (including the National Guard or Reserves) in support of a contingency operation as defined in Section 101(a)(13) of Title 10, US Code. The entitlements differ for this category and are outlined in Section 612 M.
 5. Military caregiver leave as described below in paragraphs #Q and #R.
- B. Eligibility and Entitlement for Family and Medical Leave: Employees must have worked for the County a minimum of one year and this need not be consecutive and have worked for at least 1,250 hours or more during the 12 months prior to requesting leave. The County has designated entitlement for FMLA leave shall be determined using a "12-month period measured forward from the date any employee's first use of FMLA leave."
- C. Qualifying for Leave for the Employee's Own Serious Health Condition: The employee must have a serious health condition that involves:
1. Inpatient care in a medical-care facility, including any period of incapacity or inability to work or perform other regular daily activities or subsequent treatment in connection with such inpatient care or,
 2. Continuing treatment by a healthcare provider which includes
 - a. a period of incapacity lasting more than three full consecutive calendar days and any treatment relating to this condition that includes treatment two or more times by a healthcare provider (in-person visits beginning within 7 days and concluding within 30 days of the first day of incapacity) or one treatment by a healthcare provider with a continuing regimen of treatment such as prescription medication or physical therapy,
 - b. periods of incapacity related to pregnancy or for prenatal care,
 - c. periods of incapacity or treatment for a chronic condition which continues over an extended period of time that requires visits at least twice per year to a healthcare provider (employees should provide documentation related to these visits to Human Resources),

- d. periods of incapacity that are permanent or long-term due to a condition for which treatment is not effective but is under the supervision of a healthcare provider,
 - e. absences to receive multiple treatments for restorative surgery or for a condition that may result in a period of incapacity of more than three days if not treated.
- D. Employer Notification: In cases in which the need for leave is foreseeable, the employee is required to provide at least thirty days' notice before the date leave is to begin. When circumstances prevent such notice, the employee must provide notice as soon as practicable. It is the responsibility of the Department Head to forward employee requests for Family Medical Leave to the Human Resources Director who will determine eligibility for coverage under this policy. A personnel action form placing the employee on Family Medical Leave and supporting documents must be forwarded to the Human Resources Office as soon as possible so that appropriate personnel and payroll adjustments can be made.
- E. Certification: Certification of the need for leave to care for the employee's illness or injury or that of a family member is required. Certification is also required for qualifying exigency and military caregiver leave. The employee must complete required FMLA requests and provide requested information as required by the Human Resources department within 15 calendar days from the date of their request for leave. Such verification is to include the date on which the serious health condition began; the probable duration of the condition; the appropriate medical facts known by the health care provider regarding the condition; and if the request is for a family member, a statement that the employee is needed to provide care. The applicable Certification of Health Care Provider forms are located in the Human Resources Department.

If no certification is provided, based on the information at hand, the County may not designate leave as qualifying as FMLA leave. If the County designates leave as qualifying as FMLA leave, the employee will be provided with a written notification of such designation.

Human Resources Department reserves the right to contact the employee's health care provider to verify the authenticity of any certification that is received.

- F. Medical Dispute Resolution: If there is a dispute about the medical opinion provided by the employee's physician, in support of a request for leave for a serious health condition of the employee or the employee's family member, the County may require a second opinion by a physician of the County's choice, at the county's expense. If a third opinion is necessary, a third physician may be selected. The third physician must be agreed upon by both the employee and the County. The third opinion is final and binding upon both

parties. The costs of the second and third opinions, if any, are borne by the County.

- G. Leave Provisions: Employees must first use and exhaust any accrued paid leave time before taking unpaid family and/or medical leave. Sick leave will be used first and then vacation leave until all leave is exhausted. Vacation and sick leave credits will not be accrued, nor will the employee receive paid holidays during family and/or medical leave without pay. If the employee has available compensatory time this will be exhausted before any other type of paid leave can be used. Any combination of family and medical leave within the 12 month period may not exceed this maximum limit. In the case of military caregiver leave, more than 12 weeks in a single 12 month period may be available. If the initial period of approved absence proves insufficient, consideration may be given to a request for an extension.
- H. Leave Provisions for Spouses Both Working for the County: If leave is taken for adoption or birth of a healthy child, the maximum combined leave for both spouses is 12 weeks. If leave is taken for a serious medical condition of employee, spouse parent or child the maximum combined leave for both spouses is 12 weeks. If leave is taken for the care of a sick or injured covered service member the maximum combined leave for both spouses is 26 weeks.
- I. Employee Benefits: Both the County and the employee will continue to pay their customary portions of the monthly premiums during FMLA leave. If the employee chooses not to return from leave, under certain circumstances, the employee may be required to repay the County's portion of the premium payment as provided by statute.

If the FMLA leave is unpaid, service and paid leave earnings cease (401K Match, retirement, vacation and sick leave accrual, etc.).
- J. Intermittent or Reduced Leave: There are cases when leave is needed intermittently or on a reduced-time schedule due to a serious health condition of the employee or a member of the employee's family. Intermittent or reduced schedule leave is also available for qualifying exigency and military caregiver leave. If the employee requests intermittent leave or leave on a reduced-time schedule for planned medical treatment, the County Manager may transfer the employee temporarily to another position of equal pay and benefits for which the employee is qualified. Such transfer is to be made for the purpose of accommodating the recurring periods of leave. The employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the County's operations.
- K. Return to Work: An employee returning from medical leave must submit a health care provider's verification of the employee's fitness to return to work. Failure to provide a medical certificate of fitness for duty may result in a denial of job reinstatement until medical certificate release is provided and approved by the Human Resources Department.

- L. So that an employee's return to work can be properly scheduled, an employee on family and/or medical leave is requested to provide the County with at least two (2) weeks advance notice of the date the employee intends to return to work. When a family and/or medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent or virtually identical position, i.e. with same benefits, pay, and other terms and conditions of employment, for which the employee is qualified.
- M. The employee may be required to report to the immediate supervisor at regular intervals regarding the status of the condition that prompted the requested leave.
- N. If, at the expiration of the family and/or medical leave without pay period, an employee fails to report for duty, and no extension of the leave without pay has been granted, then the failure to report is deemed a resignation.
- O. Periods of paid leave and periods of leave without pay count towards the FMLA 12 week entitlement. This includes Workers' Compensation leave and shared leave and will run concurrently.
- P. Job Restoration: Most employees granted leave will be returned to the same position held prior to the FMLA leave or one that is equivalent in pay, benefits, and other terms and conditions of employment. Certain highly compensated salaried employees (key employees) are eligible for leave, but are not guaranteed restoration to their position if they choose to take leave.
- Q. Military Caregiver Leave: THE FMLA Act provides an eligible employee with up to 26 weeks of unpaid leave within a "single 12 month period" to care for the serious injury or illness of a spouse, child, parent or next of kin who is a member of the Armed Forces, including National Guard or Reserves.
- R. A serious injury or illness is defined as an injury or illness that the serve member incurred in the line of duty, while on active duty, that renders them medically unfit to perform the duties of their office, grade, rank or rating. The "single 12 month period" for Military Caregiver Leave begins on the first day the employee takes leave for this reason and ends 12 months later.
- S. Qualifying Military Exigencies include but are not limited to short notice deployment (seven or less days of notice prior to deployment, military events and related activities, making financial and legal arrangements, post-deployment activities, any other event that the employee and County agree is a qualifying military exigency.
- T. Grievance Procedure: It is the policy of Currituck County not to discharge or discriminate against any employee exercising his/her rights under the FMLA. Any employee who feels he/she has been treated unfairly should follow the Problem Resolution and Grievance Procedure as outlined in Article 10.

Section 613 Leave for Parent Involvement in School

In accordance with North Carolina General Statute 95-28.3), Currituck County allows up to four (4) hours of leave per year to all employees who are a parent, guardian, or person standing in loco parentis of a school aged child so that the employee may attend or otherwise be involved at that child's school. However, any leave granted for such reasons is subject to the following conditions:

- A. The leave must be at a mutually agreed upon time between the employee and the Department Head.
- B. The employee must notify the immediate supervisor with a written request for the leave at least forty-eight hours before time desired for the leave.
- C. The supervisor or Department Head may require written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave.

Section 614 Employee Service on Boards and Commissions

An employee serving as the County's representative on any State, Local or other boards, commissions and councils shall not be compensated for their services in addition to their regular salary. An employee serving as the County's representative on any State, Local or other boards, commissions and councils shall be reimbursed for subsistence and travel expenses allowed to County employees and for the actual amount expended for convention or meeting registration fees as shown by receipt.