
ARTICLE VI

HOLIDAYS AND LEAVES OF ABSENCE

NORTHAMPTON COUNTY
LOCAL GOVERNMENT

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

Contents

Section 1. Paid Holidays Observed.....	2
Section 2. Religious Observances.....	2
Section 3. Holidays Worked	2
Section 4. Holidays – When Work Required.....	3
Section 5. Adverse Weather Conditions	3
Section 6. Annual Leave	4
Section 7. Sick Leave.....	8
Section 8. Petty Leave.....	10
Section 9. Leave Without Pay.....	10
Section 10. Family and Medical Leave Policy	11
Section 11. Military Leave.....	29
Section 12. Civil Leave.....	34
Section 13. Parental School Leave.....	34
Section 14. Educational Leave.....	34
Section 15. Suspension Without Pay	35
Section 16. Shared Leave.....	35

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Paid Holidays Observed

The following holidays, in addition to any such other days which the Board of Commissioners may designate as holidays, shall be considered and treated as holidays with pay for all permanent, career status, probationary full, and qualifying part-time County employees.

The respective Department Head must approve any exceptions to this Section, and individual Department operating procedures must be implemented.

Holidays begin at 12 am on the observed day and ends at 11:59 pm for purposes of record keeping. Holidays observed are as follows:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day and Thanksgiving Friday
- Christmas Eve, Christmas Day, and the day after Christmas

Section 2. Religious Observances

Employees who wish to use leave for religious observances must request leave from their respective Department Head. The Department Head will attempt to arrange the work schedule 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 3. Holidays Worked

Regular holidays which occur during an annual, sick or other paid leave period or during paid leave taken pursuant to the Family and Medical Leave Act by any officer or employee of the County shall not be charged as annual, sick or other paid leave. Employees on any form of unpaid leave will not be compensated for holidays occurring during that leave.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

Section 4. Holidays – When Work Required

Employees required to perform work on regularly scheduled holidays shall be granted 7.5 hours of *holiday pay*, in addition to pay to which they are otherwise entitled (see Article III, Section 14).

Section 5. Adverse Weather Conditions

In situations involving inclement weather, heavy snowstorms or other unusual weather conditions which affect the operations of all or a majority of County Departments, it is incumbent upon the Department Head to ensure that his/her Department or Office is opened to the public at the usual time, unless prior notification to the contrary has been received from the County Manager's Office.

Unless a public announcement or other notice has been given that County Departments will close, employees are expected to be at work during normal working hours. The County Manager or County Manager's designee will normally issue public announcements.

County offices and Departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation from the customary schedule is received from the County Manager's Office.

All Departments and Offices will be given sufficient advance notice of any authorized early closing. The County staff will receive an official announcement from the County Manager's Office and/or through the County's EMERGENCY NOTIFICATION SYSTEM.

Thus, all employees will be held accountable for providing current telephone numbers at which they may be contacted. (The telephone number must be provided to the immediate Supervisor/Department Head).

A. Accounting For Time Not Worked

Should an employee find weather conditions so severe in his/her particular area to make conditions hazardous, arrangements for late arrival or absence should be made with the Department Head. Such time out of work will be charged to vacation leave, charged to accrued compensatory time, or taken as leave without pay. Sick time is granted to employees who are too ill to report to work, and shall not be used for adverse weather complications.

Employees who are on prearranged vacation leave or sick leave will charge leave to the appropriate account. Employees not working in mandatory operations, who anticipate problems in transportation should be permitted and encouraged to avail themselves of leave privileges when encountering difficulty in reporting for work or when leaving early.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

B. Mandatory Operations

Certain employees work in positions that are critical to providing support services to the citizens of the County, regardless of the weather conditions and whether or not the County Departments and Offices are operating.

Department Heads designate these essential positions, with approval from the County Manager. Certain departments, such as the Public Works Department, Emergency Management Services (i.e., EMS, E-911 Communications, and Emergency Management) and the Sheriff's Office are essential to the operations of the County; others may be based on the needs at the particular time.

Section 6. Annual Leave

The primary purpose of paid annual vacation is to allow every employee to renew his/her physical and mental capabilities and to remain a fully productive employee. Employees are encouraged to request leave during each year in order to achieve this purpose.

Vacation leave is credited to employees who are in pay status, working, or on paid leave for or holidays in the pay period in accordance with the provisions outlined below. For the purpose of earning and accruing annual leave, the period of twelve (12) calendar months between January 1 and December 31 is established as the leave year.

Each full-time career status, permanent, probationary or trainee employee occupying an officially budgeted position shall earn annual leave on a monthly basis in accordance with the following schedule of total service.

Rate of Accumulation (Annual Leave)

Years of County Service	Hours Earned Monthly	Hours Earned Annually
Less than 2 years	6 hours 40 minutes	80
2 but less than 5 years	8 hours	96
5 but less than 10 years	10 hours	120
10 but less than 15 years	12 hours	144
15 but less than 20 years	14 hours	168
20 years or more	16 hours	192

A. Accrual of Annual Leave

All full-time (and applicable part-time) employees will accrue annual leave on a monthly basis and may use such leave in the month in which it was accrued. Vacation hours earned each month are recorded on a hardcopy timesheet and credited to the

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

employee's account (database system). *Hourly* employees are not eligible for annual leave.

Any employee who has previous state/local government service shall be credited for that service for annual leave accrual purposes, at the rate determined by the years of service as noted in the chart above.

An employee transferring from another *agency* shall be given credit for time earned from eligible State and Local Government agencies in North Carolina under the retirement plan. Northampton County will accept "*creditable service*" years only from the last transferring agency. Transferring is defined as "no break" in service between previous employer (State or Local Government agency in North Carolina) and Northampton County Local Government.

Any rehired employee having two (2) years of continuous previous permanent full (or permanent part-time creditable service with the retirement system), who returns to County employment within five (5) years of his/her separation date, will be eligible to receive credit for time previously worked after completion of five (5) years of continuous service.

This *rehire provision* shall be a *one-time* occurrence and pertains to the rate of annual leave accrual and longevity (years of service) with Northampton County Local Government only. (Note: The rehired employee must contact the Human Resources Department to have his/her file updated at the appointed time).

Any employee transferring from one (1) *department* to another within Northampton County Local Government will continue to earn vacation leave at the rate associated with their service years in Northampton County as long as there is no break in service.

After nine (9) months of employment, in emergency situations, the Department Head may advance annual leave not to exceed the amount an employee can earn during the current calendar year. (See Article VI, Section 6F) **No negative balances may be carried over into a new calendar year.**

Any employee that is on *leave without pay* will **not** accrue vacation leave and will not receive credit in the Local Government Employees Retirement System for that time.

Annual leave earned by an employee shall be taken only upon prior approval of the employee's supervisor. An annual leave request of an emergency nature must be made by the employee and approved by the supervisor within 30 minutes of the beginning of the workday or shift.

1. Annual leave shall be charged in 15 MINUTE increments (County Timesheet).

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

2. Holidays are not charged as annual leave when they occur during a period when an employee is taking annual leave except Public Safety employees.
3. When annual leave has been exhausted, the granting of leave without pay is at the discretion of the Department Head.
4. Holidays or regularly scheduled days off which occur during a period of annual leave shall not be charged as annual leave.

B. Scheduling of Annual Leave

Annual vacation leave shall be granted in accordance with this policy and as approved by the Department Head and at such time or times when such leave will least interfere with the efficient operation of the County business.

Annual vacation leave will not ordinarily be granted when the use of temporary employment services (or agency) will be necessary during the absence of the permanent or career status employee.

Employees should advise Department Heads as early as possible with request to use annual leave. Leave forms shall be completed and used as documentation of annual vacation use.

Every effort will be made to accommodate requests for annual vacation leave. Requests may be disapproved because of workload or staffing levels. All requests are approved or disapproved by the Department Head.

C. Other Uses of Annual Leave

1. Annual leave may be used for medical appointments.
2. Annual leave may be used in lieu of sick leave.
3. Annual leave may be use for absences as a result of adverse weather conditions.

D. Effect of Annual Leave on Increments

Annual leave with pay will have no effect on the increment anniversary date; however, leave without pay will delay an employee's increment anniversary date one (1) month for each month he/she is on leave without pay for more than half the workdays in that month, the only exceptions include military leave and worker's compensation.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

E. Maximum Accumulation

Annual vacation leave may be accumulated without any applicable maximum until December 31st of each year. If the employee separates from service, payment for accumulated annual vacation leave shall not exceed 240 hours, accumulated to the date of separation.

On December 31st any employee having accrued annual vacation leave in excess of 240 hours shall have this excess accumulated vacation leave converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes only.

Like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement subject to and in accordance with the provisions of the North Carolina Local Governmental Employees' Retirement System.

Employees are cautioned not to retain excess annual leave until late in the calendar year due to the necessity to keep County functions operating. Large numbers of employees cannot be granted annual leave at any one (1) time.

If an employee has excess leave accumulated during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving exception to the maximum accumulation and carry-forward allowance.

F. Payment Upon Separation

An employee, who separates from County service and upon returning all County property issued to that employee, shall be paid for annual vacation leave accumulated to the date of separation not to exceed a maximum of 240 hours. This is a lump sum payment. Where an employee is involuntarily separated from employment under egregious circumstances, accumulated annual leave payment may be withheld.

At the time of separation, all ADVANCED leave, including but not limited to petty time, which has not been earned by the employee, will be deducted from his/her final salary check. Any balance owed the County shall be collected through the due process of the law if necessary.

Employees retiring on Disability Retirement may exhaust annual leave prior to entering Disability Retirement in lieu of being paid a lump sum.

The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated annual vacation leave, up to the 240 hours.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

G. Transferring Annual Leave

When an employee transfers to another state or local agency, annual leave not to exceed 240 hours, or any portion of unused leave may be transferred to the accepting agency upon receive of notification from the accepting agency within thirty (30) days.

Section 7. Sick Leave

Sick leave with pay is not a right that an employee may demand but a privilege granted by the Board of Commissioners for the benefit of an employee when appropriate.

A. Sick leave may be granted for:

1. The employee's own, or parent, spouse or child's scheduled medical procedure, medical appointment, dental appointment, sickness or bodily injury.
2. An employee's actual period of temporary disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and a reasonable time for recovery.
3. Death in the employee's immediate family, not to exceed three (3) days for any one (1) occurrence. Immediate family, for this purpose, is defined as spouse, parents, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, all step, half, and in-law relationships.
4. Quarantine or exposure to a contagious disease when continuing to work might jeopardize the health of others.

Notification of the desire to take sick leave should be submitted to the employee's Supervisor prior to the beginning of shift or workday, if possible, but no later than thirty (30) minutes after the workday begins. In the event of onset of illness that precludes in-person notification of the Supervisor, the employee is responsible for notifying their Supervisor or Department Head by telephone.

It will be unacceptable to leave a message. When both Supervisor and Department Head are unavailable, another Supervisor or the Department Human Resources Specialist may be contacted. Notification by another employee, friend or relative is not acceptable, except in an emergency situation where the employee is physically unable to make the notification.

B. Use of Sick Leave

Annual leave may be used to supplement sick leave. When all leave has been exhausted, the granting of leave without pay is at the discretion of the Department Head. The

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

Department Head may advance sick leave not to exceed the amount an employee can earn during the current calendar year.

In emergency situations and after the first nine (9) months, the Department Head may advance sick leave not to exceed the amount an employee can earn during the current calendar year.

The Department Head should approve in the remark section of the leave record form, the approved advanced leave. Sick leave shall be charged in **15 MINUTE** increments on the County Timesheet.

No negative balances may be carried over into a new calendar year; therefore, Department Heads should refrain from advancing time during the last quarter of the calendar year.

At the time of separation, all advanced leave, including but not limited to Petty leave, which has not been earned by the employee, will be deducted from final salary check.

C. Rate of Accumulation

Each career status, permanent and probationary full-time employee, occupying a permanently established position requiring a basic workweek shall earn sick leave on a monthly basis at the rate of one (1) day for each month worked, or twelve (12) days each completed year of service.

Any employee that is on *leave without pay* will not accrue sick leave and will not receive credit in the North Carolina Local Government Employees Retirement System for that time.

D. Sick Leave Acceptance

Northampton County will only accept the sick leave of new employees from an eligible transferring agency. (Transferring is defined as “*no break*” in service between previous employer (State or Local Government agency in North Carolina) and Northampton County Local Government.

E. Sick Leave Transfer

Upon written request, the Human Resources Department will verify employment dates and sick leave balance and forward the information to a new employer.

F. Maximum Accumulation of Sick Leave

Sick leave may be accumulated in unlimited amounts.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

G. Verification of Sick Leave

The employee's Department Head may require a statement from the employee's physician indicating that the employee was unable to report for work so that there will be no abuse of sick leave privileges. Medical statements will be required for absences in excess of three (3) consecutive scheduled workdays.

In that event, an employee will also be required to have his/her physician complete an FMLA leave request; as such leave will be designated by the County as FMLA leave, if appropriate.

At the expiration of an authorized sick leave, the employee's Department Head may require a physician's statement (Return To Work Medical Certification) confirming that the employee is able to resume his/her normal physical work activities.

H. Separation and Retirement Credit

All unused sick leave is lost upon separation of employment except when separation is due to retirement.

At the time of retirement, employees who are members of the North Carolina Local Government Employees Retirement System are allowed one (1) month of retirement credit for each twenty (20) days of accrued sick leave. One (1) additional month is credited for any part of twenty (20) days' unused sick leave left over. There is no maximum number of days that may be credited.

Section 8. Petty Leave

Employees shall be advanced fourteen (14) hours petty leave per year with no more than three (3) hours to be taken in any one (1) day and recorded on the County Timesheet in **15 MINUTE increments**.

No leave hours may be *transferred* to Petty Leave. Petty Leave is advanced time and is to be taken with approval of the Department Head. At the time of separation, Petty Leave earned for the calendar year up to the date of separation will be calculated at a monthly rate. All advanced leave, including but not limited to Petty Leave, which has been used, but not earned, by the employee, will be deducted from final salary check.

Section 9. Leave Without Pay

The Department Head may grant a County employee an extended leave of absence without pay for a period not to exceed six (6) months. When a period of leave without pay ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

for which the employee is qualified. The employee shall be guaranteed a position of the same classification, seniority and pay.

An employee shall use annual, sick leave and compensatory leave *prior* to going on leave-without-pay status. Vacation and sick leave credits will not accrue during leave without pay. If a holiday falls during the leave- without- pay period, an employee does not receive the holiday pay. Any employee that is on leave without pay will not accrue vacation or sick leave and will not receive credit in the North Carolina Local Government Employees Retirement System for that time.

Requests for leave without pay shall be submitted to the Department Head as far in advance as possible. Factors to be considered are necessity, duration of leave, workload and other factors considered in the best interest of the County.

Separation due to unavailability after all leave has been exhausted may apply in some cases. 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 (See Article VIII, Section 2).

Leave without pay beyond the 12-week period and leave for employees not covered under the Family and Medical Leave Policy shall be administered under the Leave Without Pay Policy. Under these provisions, employees must pay their portion of the premium for health benefits coverage and the full expense of any voluntary benefits.

1. Continuation of Benefits

- a) Individual MEDICAL INSURANCE provided for the employee by the County as a benefit during regular pay status will be provided during *leave without pay status*. **THE EMPLOYEE IS RESPONSIBLE FOR HIS/HER PORTION OF THE MONTHLY PREMIUM; PAYABLE DIRECTLY TO THE FINANCE DEPARTMENT.**
- b) The employee remains eligible for any enrolled VOLUNTARY BENEFITS (i.e., short disability, dental, vision, etc.) for which the employee pays the complete monthly premium.
- c) During a leave without pay status, the employee is responsible for the monthly premium(s) by the payroll deadlines set by the Finance Department. Failure to do so, may forfeit the employee's eligibility and coverage continuation, if payments are not received.

Section 10. Family and Medical Leave Policy

The Family and Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote stability and economic security of

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

The National Defense Authorization Act of 2008 (NDAA) amended the Family and Medical Leave Act, effective January 16, 2009, to allow the addition of military family leave entitlements whereby eligible employees may take up to twelve (12) weeks of job-protected leave in the applicable twelve-month (12) period for any “qualifying exigency” arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty.

The NDAA also amended the Family Medical Leave Act to allow eligible employees to take up to 26 weeks of job-protected leave in a “single twelve-month period” to care for a covered service member with a serious injury or illness. Other unclear areas of the Family and Medical Leave Act were also amended for the purpose of providing clarity to the policy and improving communications between employees, employers and medical providers.

Definitions:

- a. Parent – a biological or adoptive parent or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child.
- b. Child – a son or daughter who is under 18 years of age or
- c. Is 18 years of age or older and incapable of self-care because of a mental or physical disability,
- d. and who is:
- e. A biological child;
- f. An adopted child;
- g. A foster child – a child for whom the employee performs the duties of a parent as if it were the employee’s child;
- h. A stepchild – a child of the employee’s spouse from a former marriage;
- i. A legal ward – a minor child placed by the court under the care of a guardian; or
- j. A child of an employee standing in loco parentis.
- k. Spouse – a husband or wife recognized by the State of North Carolina.

A. Serious Health Condition – an illness, injury, impairment, or physical or mental condition that involves:

- a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical facility, including any period of incapacity (defined to mean inability to work, attend school or perform other regular daily activities due to the

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such impairment; or

B. Continuing treatment by a health care provider involving one (1) or more of the following:

- a. A period of incapacity as defined above of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - i. Treatment two (2) or more times by health care provider, by a nurse or physician's assistant under the direct supervision of a health care provider, or a provider of health care services (e.g. physical therapist) under orders of, or on referral by a health care provider. The first treatment must take place within the first seven (7) days of incapacity and both within thirty days of the first day of incapacity; or
 - ii. Treatment of at least one (1) occasion resulting in a regime of continuing treatment under the supervision of the health care provider (course of prescription medication, i.e., antibiotic, or therapy requiring special equipment to alleviate the health condition, i.e., oxygen); or
 - iii. Any period of incapacity due to pregnancy or for prenatal care, even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than three days (prenatal examination, severe morning sickness); or
 - iv. Any period of incapacity or treatment due to a "chronic serious health condition," even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than three (3) days, which is defined as one:
 1. Requiring periodic visits or treatment by a health care provider, or by a nurse or physician's assistant under the direct supervision of a health care provider;
 2. Continuing over an extended period of time (including recurring episodes of a single underlying condition); and
 3. Which may cause episodic rather than continuing period(s) of incapacity (e.g. asthma, diabetes, epilepsy, etc.).

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

4. Incapacity for a permanent or long-term condition for which treatment may not be effective (Alzheimer's, a severe stroke or terminal stages of a disease).
5. Multiple treatments for restorative surgery or incapacity for serious conditions that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (chemotherapy, radiation, dialysis, etc.)

C. Health Care Provider

A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of North Carolina; or any other person determined by statute, credential, or licensure to be capable of providing health care services which include:

- a. Podiatrists
- b. Dentists
- c. Clinical psychologists
- d. Optometrists
- e. Chiropractors (limited to manual manipulation of spine to correct subluxation shown on radiographs).
- f. Nurse practitioners
- g. Nurse midwives
- h. Clinical social workers
- i. Christian Science practitioners listed with First Church of Christ, Scientists in Boston, MA (Note: In this situation, the employee cannot object to an agency requirement to obtain a second or third certification other than Christian Science practitioner.)
- j. Health care providers from whom state approved group and HMO health plans will accept certification of serious health condition to substantiate a claim for benefits.
- k. Foreign health care provider in above stated areas who are authorized to practice in the country and who are performing within the scope of the laws.

D. Workweek/Schedules

- a. Workweek: The number of hours an employee is regularly scheduled to work each week.
- b. Reduced Work Schedule: A work schedule involving fewer hours than an employee is regularly scheduled to work.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

- c. Intermittent Work Schedule: A work schedule in which an employee works on an irregular basis and is taking leave in separate blocks of time, rather than for one (1) continuous period of time, usually to accommodate some form of regularly scheduled medical treatment.
- d. Month Period: The 12-month period measured forward from the date any employee's first family and medical leave begins.

E. Military Caregiver Leave

A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.

- a. Service Member - Is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

F. Serious Injury or Illness

One that is incurred by a service member in the line of duty, on active duty, that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

G. Qualifying Exigency Leave

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer for the Family and Medical Leave Act leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty.

Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

H. Eligible Employee

1. Determining Eligibility

An employee's eligibility for Family/Medical Leave shall be made based on the employee's months of service and hours of work; as of the date leave is to commence. While the 12 months of employment need not be consecutive,

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

employment periods prior to a break in service of seven (7) years or more cannot be counted unless the break is caused by the employee's fulfillment of his or her National Guard or Reserve military obligation.

2. Career Status, Permanent, and Part-time

Eligible employees who have been employed with Northampton County for at least twelve (12) months and who have been in pay status at least 1,250 hours during the previous 12-month period are entitled to a total of 12 workweeks, paid or unpaid, leave during any 12 month period for one (1) or more of the reasons listed below.

- a. For the birth of a child and to care for the newborn child after birth.
- b. For the placement of or to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a 12-month period following adoption;
- c. For the employee to care for the employee's child, spouse, or parent, while that child, spouse, or parent has a serious health condition; or
- d. Because the employee has a serious health condition that makes the employee unable to perform one (1) or more of the essential functions of the employee's position.
- e. For an employee whose spouse, child of any age or parent is a military service member under a call or order to federal active duty in support of a contingency operation. Qualifying exigency leave is designed to provide employees an opportunity to address issues which arise when a family member is called to active duty.
- f. For employees who must care for a family member who has been injured or became ill while serving in the armed forces.

3. Temporary Employees.

This policy does not cover temporary employees since the maximum length of a temporary appointment is one (1) year.

I. Leave Charges

- a. Periods of paid leave and periods of leave without pay count toward the 12 workweeks to which the employee is entitled.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

- b. For purposes of determining the amount of leave used by the employee, the fact that a holiday(s) may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave.
- c. Workers' Compensation Leave. If an employee is out on workers' compensation drawing temporary total disability, the time away from work is considered as a part of the **FMLA** 12-week entitlement and will run concurrently.
- d. Compensatory Leave. Effective January 16, 2009, the County shall require an employee to use FLSA compensatory time concurrently with FMLA leave.
- e. Substitution of Paid Leave. All employees will be required to exhaust accumulated sick leave and compensatory leave prior to going on leave without pay.

J. Intermittent Leave or Reduced Work Schedule

Pursuant to this policy, the employee may not take leave intermittently or on a reduced work schedule for child birth and birth related child care or for adoption unless the employee and the County agree otherwise; however, when medically necessary, the employee may take leave intermittently or on a reduced scheduled to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition.

There is no minimum limitation on the amount of leave intermittently; however, the County may not require leave to be taken in increments of more than one (1) hour.

If such leave is foreseeable, based on planned medical treatment, the County may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

Only the time actually taken as leave may be counted toward the 12 weeks of leave to which the employee is entitled when leave is taken intermittently or on a reduced leave schedule. (For example, an employee normally works 37.5 hours each week. The employee is on a reduced work schedule of 20 hours per week. The FMLA leave may continue for up to 24 calendar weeks.)

K. Northampton County Responsibility

Notification of FMLA Provisions – In addition to the posting requirement outlined in posting section, the County shall include the FMLA provisions in written publications, such as policy manual. In addition, each time an employee provides

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

notice of the need for FMLA leave, the agency shall provide the employee with written notice detailing the specific expectations and obligations of the employee.

L. Notice of Eligibility and Rights and Responsibilities

Employees of Northampton will be required to provide a formal request for the need for FMLA leave. Once management has received the request, the employee will be notified that he/she is eligible for FMLA leave within five (5) business days after receiving a request for FMLA leave or within five (5) days of acquiring knowledge that an employee is absent for an FMLA-qualifying reason. The notice will be in writing and in those cases where the employee is not eligible; he/she will be provided the reasons for the ineligibility.

When an employee is on paid leave but has not given notice of the need for FMLA leave, the County shall, after a period of three (3) workdays, request that the employee provide sufficient information to establish whether the leave is for a FMLA-qualifying reason.

If an absence, which begins as other than FMLA later, develops into an FMLA qualifying absence, the entire portion of the leave period that qualifies under FMLA may be counted as FMLA. Leave may be designated as FMLA leave retroactively.

If an employee is out for a reason that qualifies for FMLA leave and the County does not learn of the reason for the leave until the employee returns to work, the County may designate the leave as FMLA leave within two (2) regular business days of the employee's return.

Employees shall be provided a Notice of Eligibility and Rights and Responsibilities (US DOL Form WH 381) documenting the receipt of the employee request for FMLA, the purpose of the request and the designation of eligibility. In situations where the employee does not meet eligibility requirements, the County will provide reasons for the employee's ineligibility.

At the same time that the County notifies the employee that he/she is eligible for FMLA leave, it must also give the employee a notice that details the specific rights and the specific expectations and obligations of the employee on FMLA leave.

The rights and responsibilities notice must also include the following information:

- a. Whether the employee must provide a medical certification;
- b. Whether the leave will count against the employee's 12-week FMLA entitlement;

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

- c. Whether the County requires the use of accrued paid leave in lieu of unpaid leave;
- d. That the employee may elect to use accrued paid leave in place of unpaid leave and any conditions related to the substitution of paid leave for unpaid leave;
- e. Whether the employee needs to make contributions toward health insurance premium payments and, if so, what arrangements the employee needs to make, as well as the consequences of a failure to make contribution payments;
- f. That the employee is liable for reimbursing the County for health insurance contributions if the employee fails to return to work upon the conclusion of FMLA leave;
- g. Whether the employee is a “key employee” of Northampton County and the reasons why restoration may be denied upon the conclusion of FMLA leave;
- h. That the employee has the right to return to the same or an equivalent job,
- i. Whether the employee must provide periodic updates on his/her condition during the period of FMLA leave;
- j. Whether the employee must provide a fitness-for-duty certification before returning to work.

M. Medical Certifications

The County must allow the employee fifteen (15) calendar days to obtain a medical certification from the medical provider(s). If the employee does not return the certification within the 15-day period, the employee loses his/her right to FMLA and to return to the same or substantially equivalent position.

It will not be a violation of the Family Medical Leave Act to either deny FMLA or to terminate an employee who has not returned a medical certification within fifteen (15) days.

The County is entitled to a complete and sufficient certification. If for some reason the certification is incomplete or insufficient, the employee will be notified that he/she will have seven (7) additional, calendar days in which to provide the required information.

FMLA leave may be denied to any employee requesting leave who fails to return a medical certification or who fails to return a complete and sufficient certification after being given seven (7) days to resubmit it.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

In accordance with the Department of Labor and HIPAA regulations, a County representative may directly contact a medical provider for clarification in regard to information useful in the determination of a serious health condition.

The representative may be a health care provider representative, a human resources specialist, a leave administrator or management official. Under no circumstances, may the immediate supervisor contact the medical provider.

At the time the County requests certification; representatives shall advise the employee of the anticipated consequences of an employee's failure to provide adequate certification and shall provide the employee a reasonable opportunity to correct any incomplete information.

If the employee uses paid sick leave, the County shall require the employee to provide a medical certification as specified in the Sick Leave Policy and not the more stringent FMLA medical certification.

If the County has reason to doubt the validity of a medical certification, it may require the employee to obtain a second opinion at the County's expense. Pending receipt of the second (or third) opinion, the employee may be placed on FMLA retroactively. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave.

If the opinion of the employee's and the County's designated health care providers differ, the County may require the employee to obtain certification from a third health care provider, again at the County's expense. This third opinion shall be final and binding. The third health care provider may be designated or approved jointly by County and the employee.

For Medical Certifications use the US DOL WH-380E – Certification of Health Care Provider for Employee's Serious Health Condition for all employees who have a serious health condition.

A list of essential functions or a completed, accurate description for the position the employee occupies will be attached to the medical certification for the purpose of assisting the medical provider in understanding the expectations and essential functions required of the employee.

The US DOL H-380-F – Certification of Health Care Provider for Family Member's Serious Health Condition form will be utilized for certifying a serious health condition of an employee's family member.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

N. Notice and Designation Requirements

Once the County has received a completed medical certification form, or otherwise has acquired enough knowledge to determine whether the employee is entitled to FMLA leave, the employer must give the employee a separate Designation Notice advising the employee that the leave is being designated FMLA leave within five (5) business days.

Regardless of whether the information was included in the eligibility and rights and responsibilities notice, the County will include the following information in the designation notice:

- a. Whether accrued paid leave will be substituted for unpaid leave;
- b. Whether the employee must provide a fitness-for-duty certification before returning to work;
- c. A list of the employee's essential job functions, if the fitness-for-duty certification must address the employee's ability to perform essential job functions; and
- d. Notice of the amount of leave that will be counted against the employee's FMLA entitlement.
- e. US DOL Form WH-382 may be utilized for the Designation Notice.

O. Re-certification of Medical Conditions

The County may request re-certification no more often than thirty (30) days unless:

- a. an extension is requested,
- b. circumstances described by the previous certification have changed significantly or
- c. the County receives information that casts doubt upon the employee's stated reason for the absence.

If the minimum duration specified on a certification is more than thirty (30) days, the County may not request re-certification until that minimum duration has passed. The employee must provide the requested re-certification to County within the time frame requested (which must allow at least fifteen (15) calendar days after the agency's request), unless it is not practicable under the particular circumstances.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

P. Employee/Supervisor Responsibility

1. Notice

The employee shall give notice to the Supervisor for leave requested under this policy. The employee must explain the reasons for the needed leave in order to allow the County to determine that the leave qualifies under the Act.

In some of the Northampton County agencies to include the Health Department and Department of Social Services, the FMLA process is administered within the respective department. Other Department Heads shall notify the Human Resources Office and refer the employee to the Human Resources Office, which will manage the FMLA process.

2. Birth or Adoption

The employee shall give the County no less than 30 days notice, in writing, of the intention to take leave, subject to the actual date of the birth or adoption. If the date of the birth or adoption requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable, which becomes known to the employee.

3. Planned Medical Treatment

When the necessity for leave to care for the employee's child, spouse or parent or because the employee has a serious health condition, the employee must give 30 day's notice if practical of the intention to take leave.

4. Medical Emergency

In the case of a medical emergency requiring leave because of an employee's own serious health condition or to care for a family member with a serious health condition, the County shall not require written advance notice.

If the employee will not return to work after the period of leave, the employee shall notify the County in writing. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.

Q. Qualifying Exigency Leave Under The FMLA

The FMLA requires Northampton County to grant up to twelve weeks of leave for certain qualifying exigencies to employees whose spouse, child of any age or parent is a military service member under a call or order to federal active duty in support of a contingency operation.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

This form of FMLA is defined as qualifying exigency leave. Qualifying exigency leave is designed to give employees time to deal with some of the informational, financial and child-related issues that arise when a family member is called to or on active duty.

R. The US Department of Labor defines qualifying exigency as:

- a. Deployment of a service member with seven (7) or fewer days' notice;
- b. Military ceremonies and events, as well as support, family-assistance or informational programs related to a service member's active duty or call to active duty status;
- c. Providing urgent, immediate childcare or arranging for alternative childcare for the children of service members on or called to active duty;
- d. Attending school or daycare meetings relating to the child of a service member on or called to active duty;
- e. Making financial or legal arrangements related to a service member's active duty status or call to active duty;
- f. Post-deployment activities for a period ninety days after the termination of the service member's active duty status.
- g. Qualifying exigency leave is limited to situations in which a call or order to active duty status is in support of a contingency operation. The active duty orders of a service member will generally state whether he/she is serving in support of a contingency operation.
- h. Qualifying exigency leave applies only to the family members of those serving in Reserve components of the armed forces, the National Guard and certain retired members of the regular armed forces and the retired reserve.
- i. Qualifying exigency leave does not apply to family members of the regular armed forces on active duty status. Qualifying exigency leave may be taken on an intermittent or reduced schedule. Notice of the need for qualifying exigency leave must be "as soon as practicable".

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

S. Certification for Qualifying Exigency Leave

Northampton County shall require employees requesting qualifying exigency leave to provide:

1. A copy of the military member's active duty orders or other documentation issued by the military indicating that the military member is on or called to active duty in support of a contingency operation and the dates of active duty service, and
2. A certification from the employee setting forth facts supporting the employee's need for leave in this situation, the approximate starting date on which the qualifying exigency began or will begin, the beginning and ending dates of the absence for which the employee is requesting FMLA qualifying exigency leave and if the employee is meeting with a third-party, identifying and contact information for the third party and a description of the meeting's purpose.

Northampton County shall not request re-certification of the covered service member's active duty or call to active duty orders. The County shall request certification of the need for qualified exigency leave and shall request the certification in writing within five (5) days of the request for or beginning of leave and the certification must be completed and returned within fifteen (15) days of its receipt from the County.

The US DOL Form WH-384 will be required to request a certification of qualifying exigency for military family leave.

T. Military Caregiver Leave Under The FMLA

FMLA-eligible employees may take up to 26 weeks of leave within a twelve-month period to care for a family member who has been injured or become ill while serving in the armed forces.

Employees may take military caregiver leave to care for current member of:

1. Regular Armed Forces in contrast to qualifying exigency leave where current members of the regular Armed Forces are not include as "covered service members"
2. National Guard or Reserves
3. Regular Armed Forces or National Guard or Reserves who are on the temporary disability retired list,
4. Who have a serious injury or illness incurred in the line of duty on active duty that renders them medically unfit to perform the duties of his/her office, grade or rating, and for which the service member is undergoing medical treatment,

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list.

The spouse, “son or daughter of a covered service member,” “parent of a covered service member” or “next of kin of a covered service member” may take military caregiver leave under the FMLA.

Northampton County shall require an employee to give notice of the need for military caregiver leave.

1. Notice

- a) 30-days in advance, when the need for military caregiver leave is foreseeable.
- b) Either the same day or the next business day, when the need for military caregiver leave was not foreseeable.

The County may ask an employee requesting military caregiver leave to provide a medical certification of the need for leave from the healthcare provider of the service member.

For the purpose of military caregiver leave, the health care providers who may complete the certification include Department of Defense providers, Department of Veterans Affairs providers, TRICARE network authorized private providers and non-network TRICARE authorized private providers.

2. Certification

A medical certification for military caregiver leave may request information sufficient to establish the employee’s need for leave, including the following information:

- a. A statement of medical facts regarding the service member’s health condition—specifically, facts relating to whether the injury or illness render the service member medically unfit to perform the duties of his or her military office, grade, rank or rating and whether the member is receiving medical treatment, recuperation or therapy;
- b. Information sufficient to establish that the service member is in need of care;
- c. A description of the care to be provided to the service member and an estimate of the leave needed to provide the care; and
- d. The relationship of the employee to the service member.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

Certification of the need for military caregiver leave is subject to the same time requirements as FMLA leave. The County must request the certification in writing within five (5) days of the request for or beginning of leave and the certification must be completed and returned within fifteen (15) days of its receipt from the employer.

Because military caregiver leave **differs** from FMLA leave to care for a family member with a serious health condition, the County will not use the same certification form for traditional FMLA leave and military caregiver leave. US DOL Form WH-385 will be utilized for requests of military caregiver leave.

Like FMLA leave requests, the timing requirements for certification of the need for military caregiver leave are the same, fifteen (15) calendar days after receiving the form from the agency.

For military caregiver leave, second and third opinions in addition to re-certification are not permitted. The County shall accept an “invitational travel order” or “invitational travel authorization” issued to a family member to join an ill or injured service member at his or her bedside in lieu of the Form WH-385.

The employee is eligible for 26 weeks of leave to care for the service member during a single twelve-month period. Employee is also entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason in a year in which she or he takes military caregiver leave.

The single twelve-month (12) period begins the first day the employee takes military caregiver leave and ends twelve (12) months later; regardless of the method that the agency uses to determine FMLA entitlement for other forms of FMLA leave. Military caregiver leave may be taken on an intermittent or reduced leave schedule.

U. Employment and Benefits Protection

1. Reinstatement

The employee shall be reinstated to the same position held when the leave began or one (1) of the like pay grade, pay, benefits, and other conditions of employment. Northampton County shall require the employee to report at reasonable intervals on the employee’s status and intention to return to work. The County also shall require that the employee provide certification that the employee is able to return to work.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

2. Benefits

The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits will be accrued during any period of leave without pay.

3. Health Benefits

The County shall maintain coverage for the employee under the agency plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment. Any health plan premiums that an employee paid prior to leave must continue to be paid by the employee during the leave period (e.g., dependent health coverage).

The County must give advance written notice to employees of the terms for payment of premiums during FMLA leave. The obligation to maintain health insurance coverage stops if an employee's premium payment is more than thirty (30) days late.

The County may recover the premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.

V. **Interference With Rights**

1. Actions prohibited

It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by this policy.

2. Protected Activity

It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following:

- a. Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to this policy.
- b. Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by this policy.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

- c. Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this policy.

W. Enforcement

1. A violation of or denial of leave requested pursuant to the Family and Medical Leave Act of 1993 is a contested case and creates a right of grievance or appeal for employees. Violations can result in any of the following or a combination of any of the following and are enforced by the U.S. Secretary of Labor.
2. U.S. Department of Labor investigation, or
3. Civil liability with the imposition of court cost and attorney's fees, or
4. Administrative action by the U. S. Department of Labor

X. Posting Requirement

The County shall post, in a conspicuous place, a notice explaining the FMLA provision and providing information concerning the procedures for filing complaints of violations of the Act with the U. S. Department of Labor, Wage and Hour Division.

Employers must post US DOL WH Publication 1420, which explains rights and responsibilities under the FMLA in a place conspicuous to all employees and applicants. Electronic posting is permitted, provided that all employees and applicants have access to it. Information may be posted on the County website; however, a hard copy is also available whereby applicants have access to viewing the information. The Department of Labor may fine any employer who fails to post this notice.

Y. Record Keeping Requirements

Northampton County shall keep records for no less than three years and make them available to the Department of Labor upon request.

In addition to the records required by the Fair Labor Standards Act, the County shall keep records of:

- a. Dates FMLA leave is taken,
- b. Hours of leave if less than a full day,
- c. Copies of employee notices,
- d. Documents describing employee benefits,
- e. Premium payments of employee benefits, and
- f. Records of any disputes.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

Records and documents relating to medical certifications, re-certifications, or medical histories of employees or employee's family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files, and if ADA is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements, except that:

- a. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;
- b. Medical and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and
- c. Government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

Section 11. Military Leave

A military leave shall be defined as a leave to fulfill a required military obligation. The provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) govern military leaves of absence.

The purposes of USERRA are two-fold: to allow Americans to serve in the United States armed forces with minimum disruption to their civilian careers and to prohibit discrimination against those who have served in the uniformed services.

Leave shall be granted to employees of Northampton County for certain periods of service in the uniformed services. No employee of the County shall discriminate against any employee of the County or applicant for County employment because of their membership, application for membership, performance of service, application for service or obligation for service in the Uniformed Services.

Definitions

1. Service in the Uniformed Service

The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes:

- a) Active duty (extended active duty; mobilization or call up of reserve components) active duty for training of reserve components (annual training – usually two (2) weeks or special schools)
- b) Initial active duty for training (initial enlistment in reserve or National Guard)

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

- c) Inactive duty training (drills – usually on weekends)
- d) Full-time National Guard (usually a 3-year contract), and a period for which a person is absent to determine fitness of the person to perform such duty
- e) Uniformed Services Armed Forces and the Reserve Components (Army, Navy, Air Force, Marine Corps, Coast Guard, Army and Air National Guard), Commissioned Corps of the Public Health Services and any other category of persons designated by the President in time of war or national emergency.

2. National Guard – A reserve of the US Armed Forces

The NC Army and Air National Guard respond to the Governor as Commander in Chief and serve as the military arm of State government and respond to the President of the United States in time of war.

A. Notification to Employer

Military leave granted must be supported by appropriate documentation. The employee shall submit an order or written statement to the employee's Department Head from the appropriate military officer as evidence of duty for which military leave with pay is requested. Since individual orders are not issued to members of the National Guard, a statement from the commanding officer shall be sufficient. In lieu of a written statement, such leave may be verified through the Office of the Adjutant General.

Such leave shall be recorded in the employee's leave record and be designated as military leave. For periods eligible for military leave with partial pay, the County shall require the employee to provide a copy of their Leave and Earnings Statement issued by the National Guard and covering the eligible period in excess of thirty (30) days.

B. Military Leave with Partial Pay

An employee who is a member of the Uniformed Services will be allowed ten (10) working days of military leave annually, with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as an active employee, the employee shall receive partial compensation equal to the difference between the base salary earned as a reservist and the salary that would have been earned during this same period as a County employee.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

The effect will be to maintain the employee's salary at the normal level during this period of ten (10) working days. If such military duty is required beyond this period of ten (10) working days, the employee shall be eligible to take accumulated annual leave or be placed on leave without pay status.

Leave with pay, up to the maximum of ten (10) working days shall be granted to members of the Uniformed Services for: active duty for training (including annual training or special schools), inactive and initial active duty training, and upon call-up or order to Federal active duty for an employee in one (1) of the Reserve Components. Any additional military leave needed shall be charged to vacation or leave without pay at the discretion of the employee.

C. Retention and Continuation of Benefits During Leave With Pay

During the period of military leave with partial pay, the employee shall not incur any loss of total County service or retirement services or suffer any adverse services rating. The employee shall continue to accumulate sick and vacation leave, total County service credit and receive any promotion or salary increases for which otherwise eligible.

Upon return to County employment from Military Leave, the employee's leave credits and other benefits shall be credited for all accrued time during Leave and will continue to accrue as if the employee remained with the County during this period. If the employee does not return to County employment from Military Leave, he/she will **not** be credited with any leave time accrued after his/her last day of **active** employment with the County. Employees who are reservists have all job rights specified in the Veterans Readjustment Assistance Act.

D. Military Leave Without Pay

Military leave without pay shall be granted for all uniformed service duty that is not covered by military leave with partial pay. Among the reasons are:

- a. Extended active duty for a period not to exceed five (5) years plus any additional service imposed by law;
- b. Full time National Guard duty (usually a 3 year contract);
- c. Initial active duty for training (initial enlistment);
- d. Designation of any other category of persons by the President in time of war or national emergency.

The following absences may be taken as leave without pay or as available annual leave, or a combination of the two, at the employee's option:

- a. Duties resulting from disciplinary action imposed by military authorities;

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

- b. Inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.
- c. Take a required physical examination to determine fitness for duty in the uniformed services;
- d. To perform funeral honors duty.

E. Retention and Continuation of Benefits During Leave Without Pay

The employee may choose to have accumulated vacation leave:

- a. Exhausted, or
- b. Retained (part or all) until return to County service.

The employee shall:

- a. Retain accumulated sick leave
- b. Continue to earn time toward total County service, and
- c. Receive retirement service credit for periods of active duty up to the time the employee was first eligible for discharge if the employee returned to County employment within two (2) years; or any time after discharge if they had completed at least 10 years of membership service in the Retirement System.

The employee may elect to continue employer-sponsored health care through COBRA for a period of up to eighteen (18) months; however, the employee must pay the full premium for periods in excess of thirty (30) days.

F. Reinstatement From Military Leave without Pay

The time limit for submitting an application for reemployment or reporting back to work depends upon the length of uniformed service. If reporting back or submitting an application for re-employment within the specified periods is impossible or unreasonable through no fault of the employee, the employee must report back or submit the application as soon as possible thereafter.

The service duration and periods for returning or applying for reemployment are as follows:

1. Less than thirty-one (31) days, must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8 hour rest period;

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

2. More than thirty (30) days but less than 181 days, must submit a written or verbal application for reemployment with the County not later than fourteen (14) days after the completion of the period of service; or,
3. More than 180 days, by submitting an application with the County not later than ninety (90) days after the completion of the period of service.

Reinstatement shall be made if the employee separated/discharged from military service under honorable conditions and reports to work or applied for reinstatement within the established time limits.

G. Reinstated Position

Reinstatement shall be to the position they would have likely achieved had they remained continuously employed; or, if the period of uniformed service was in excess of 180 days, their position or one of like seniority, status and pay with the same Department or with another County Department. In the case of reemployment, such reemployment is to be promptly effective.

If, during military service, the employee suffers a disability incurred in, or aggravated during, uniformed service, to the extent that the duties of the position cannot be performed, the employee shall be reinstated to a position most nearly comparable to the position, with duties compatible with the disability and without loss of seniority.

H. Reinstated Pay

The employee's salary upon reinstatement shall be based on the salary rate applicable to the proper position. In no case will the reinstated employee's salary be less than when placed in a military leave status.

If the employee was in trainee status at the time of military leave, the addition of trainee adjustments may be considered, at the discretion of the Department Head, if it can be determined that military experience was directly related to development in the area of work to be performed in the County position. The addition of trainee adjustments must be made if it can be shown that progression within or through such status is based merely upon the passage of time with satisfactory performance.

Employees who resign to enter military service without knowledge of their eligibility for leave without pay and reinstatement benefits, but who are otherwise eligible, shall be reinstated as if they had applied for this benefit.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

Section 12. Civil Leave

Each employee has a civic responsibility to serve as a juror when called upon to do so. Northampton County encourages its employees to aid the community by participating. A County employee called for jury duty or as a court witness for the federal or state government is entitled to leave with pay for the period of absence required.

If an employee is called to jury duty, the Supervisor must be notified immediately so that coverage may be provided during the employee's absence. While an employee is on leave for such jury duty or court service, his or her benefits and leave shall accrue as though the employee were actively performing employment duties.

When a County employee under subpoena in a case involving private litigation, or litigation by some party other than the federal government, state or a political subdivision thereof is called to testify in some capacity other than the employee's official capacity, the time absent by reason thereof shall be taken as annual leave or as leave without pay.

Section 13. Parental School Leave

Northampton County employees who are parents of a school aged child, guardians of a school aged child or otherwise standing "in loco parentis" (in place of the parent) for a school aged child shall be allowed to use approved annual and/or compensatory leave up to four (4) hours leave annually to attend activities at the child's school.

Leave under this section is subject to the following conditions:

- a) The leave shall be taken at a time mutually agreed upon by the employee and his or her Department Head;
- b) The employee will provide advance notice of at least forty-eight (48) hours; and
- c) If requested, the employee will provide written or other appropriate verification concerning the basis for the leave request. The definition of school includes public and private schools, church schools and preschools.

Section 14. Educational Leave

The intent and purpose of the educational leave policy is to benefit an employee whose intentions are to return to the County to work and to benefit Northampton County Local Government and its operations.

A leave of absence with pay for a period not to exceed ten (10) hours per week of accrued annual leave to include travel time may be granted upon the recommendation of the

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

Department Head with the approval of the County Manager, for an employee to take courses of study that will better equip the employee to perform his or her duties for the County.

The employee must request such leave a minimum of twenty (20) workdays prior to the beginning of the course so as to allow sufficient time for the normal approval process.

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which County employee are entitled. An employee on approved educational leave will be expected to report to work, as normally scheduled, when not in class or performing school related functions.

Section 15. Suspension Without Pay

As a result of a disciplinary action, an employee may be placed on Suspension –Without - Pay for a designated period of time. When an employee is suspended without pay, the employee is not eligible for leave accrual and other benefits during the suspension.

Employees who are placed on Suspension –Without -Pay are not guaranteed to be reinstated to the same position or to an equivalent position upon return and are not guaranteed a position of the same classification, seniority or pay.

Section 16. Shared Leave

The Shared Leave Program is designed to provide Northampton County's permanent full-time and permanent part-time employees the opportunity to assist and receive assistance from, other Northampton County employees during periods of prolonged absences from work due to a catastrophic illness, or a serious or life threatening condition by donation of leave. Department Heads may consider the *serious or life threatening condition* of an employee's spouse or child for eligibility to the Shared Leave Program.

The program is **not** designed to apply to an employee's, or an employee's spouse or child's, incidental, normal, short-term medical conditions.

A catastrophic illness or a *serious or life threatening condition* is generally one that is expected to require an employee's absence from work for a period of at least (20) consecutive days.

The twenty-day period is intended to serve as a general guideline for shared leave, rather than an absolute requirement. If an employee has had prior random absences from work related to the same condition, or for another condition requiring prolonged absence from work within the last twelve (12) months, an exception to the twenty-day period may be made.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

In the case of a catastrophic illness or a *serious or life threatening condition* of an employee, or an employee's spouse or child, which causes an employee to exhaust all available leave, an employee may apply for shared leave from the annual leave account of another employee or employees.

An employee may donate leave, as outlined below, to an employee who has been approved to receive voluntary shared leave because of a medical condition of the employee that will require the employee's absence for a prolonged period of time.

A. General Guidelines

1. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one (1:1) personal basis.
2. An employee may **not** directly or indirectly intimidate, threaten, coerce or attempt to intimidate, threaten or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the leave donated.

B. Eligibility Requirements

The employee must be a permanent full-time or part-time, thirty (30) hours or more, employee. Participation in this program shall be based on the employee's past compliance with leave rules.

NON-QUALIFYING CONDITIONS: The policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments.

These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be addressed consistently and equitably.

1. Application Procedure

- a. By letter of application to the Department Head, a recipient shall apply or be nominated by their Department Head to participate in the program.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

- b. Application for participation would include name, social security number, classification, department from which donations of leave would be requested, description of the condition and estimated length of time needed to participate in the program. A doctor's statement must be attached to the application.
- c. Medical information is maintained in a confidential manner. When disclosing information on an approved recipient, only a statement that the recipient has a *serious or life threatening condition* needs to be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known.
- d. The Department Head shall review the merits of the request; provide a recommendation and forward to the Human Resources Department for verification.
- e. The Human Resources Director will consult with the County Manager and based upon their recommendation for approval, will notify the employee and the employee's Department Head of the action to be initiated.
- f. The Human Resources Director will notify the entire employee population of the request for leave. All leave donations must be submitted to the Human Resources Department.

2. Recipient Guidelines

- a. A prospective recipient may make application for voluntary shared leave as such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave. Employees who participate in the Voluntary Shared Leave Program are eligible for one (1) specified medical condition.
- b. 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:
 - i. The recipient's vacation and sick leave account balance shall not exceed a combined total of 40 hours (prorated for part-time employees).
 - ii. 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 (1) hour shall not be returned to an individual donor.

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

- c. If a recipient separates due to resignation, death or retirement from County government, participation in the program ends. Donated leave shall be returned to donor(s) on a pro rata basis.

3. Donor Guidelines

- a. A non-family member donor may contribute only annual leave to another employee within County government
- b. A family member who is a County employee may contribute annual or sick leave to another immediate family member in County government. Immediate family is defined as spouse, parent, children, brother, sister, grandparents, grandchildren, great grandparents and great grandchildren. Also included are the step, half and in-law relationships.
- c. The minimum amount to be donated is four (4) hours.
- d. An employee's family member donating sick leave to a qualified family member under this program may donate up to a maximum of 1040 hours but may not reduce the sick leave account below 40 hours.
- e. The maximum amount of annual leave allowed to be donated by one (1) individual is to be no more than the individual's annual accrual rate. However, the amount donated is not to reduce the donor's annual leave balance below one-half of the annual leave accrual rate.

4. Leave Accounting Procedures

- a. To facilitate the administration of the program, the County may establish a specific time period during which leave can be donated.
- b. Each department shall establish a system of leave accountability that will accurately record leave donations and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes,
- c. All leave donated shall be credited to the recipient's sick leave account. Voluntary shared leave available in the recipient's sick leave account will be charged according to the Sick Leave Policy.
- d. Leave transferred under this program will be available for use on a current basis or may be retroactive for up to sixty (60) calendar days to substitute for

ARTICLE VI: HOLIDAYS AND LEAVES OF ABSENCE

leave without pay or advanced annual or advance annual or sick leave already granted to the leave recipient.

- e. Each approved medical conditions shall stand alone and donated leave not used for each approved incident shall be returned to the donor(s). Returned leave shall be credited to the same account from which it originally came. Employees who donate “excess” annual leave (any amount above the 240hrs maximum allowable carryover) at the end of December may have it returned and converted to sick leave.