

02. PERSONNEL

2.13. Leave and Holidays

BOS Adopted – March 20, 2019

2.13.1. Annual Leave

A. Permanent County employees receive paid annual leave which can be taken for any purpose. Except in cases of illness or emergency, annual leave must be approved in advance. All full-time permanent employees of the County of Fluvanna shall be granted annual leave by the County as follows:

Years	Hours Earned per month	Days Earned per year	Service Accumulation
Less than 5 years	8	12	160 hours
5 but less than 10	10	15	200 hours
10 but less than 15	12	18	240 hours
15 but less than 20	14	21	260 hours
20 or more	16	24	280 hours

B. Employees on vacation leave shall be paid their prevailing wage based on the prevailing scheduled work week. Annual leave is earned only upon completion of a full pay period of employment. If an employee is absent for a period exceeding his or her earned leave balances, he or she will not earn annual leave for that period. Also, an employee will not earn annual leave during that portion of an absence with pay that exceeds 60 consecutive calendar days.

C. Probationary employees will not normally be permitted to take vacation leave within 90 days of hire date. Exceptions may be approved by the Department Head on a need basis.

D. Upon separation or retirement, a full-time employee shall be paid for all accrued annual leave, not to exceed the maximum amount of leave that can be carried to the next year, based on their approved Service Accumulation.

E. In the event of death of the employee, the employee's estate will be paid for accumulated annual leave, not to exceed the maximum amount of leave that can be carried to the next year, based on their approved Service Accumulation..

F. Annual leave accrued above the maximum Service Accumulation above is lost by the employee at the beginning of each new fiscal year.

G. Permanent part-time employees who work at least 20 hours per week, but less than 30, shall be entitled to annual leave equal to 50% of that earned by a full-time employee of equal tenure.

H. Annual leave balances for employees who move from one Fluvanna County department to another, or the constitutional offices, will have those leave balances transferred in their entirety. If the transferred employee is terminated from their position within six (6) months of the hire date in the new position, then the employee's previous department is obligated to incur their prorated share of the leave balance payout assuming all leave balances initially transferred are reduced first by any leave the employee may have taken in the new department.

I. Employees transferring from the Fluvanna County School System or Fluvanna County Social Services shall retain their employment tenure for the purposes of calculating leave accrual rates and allowable service accumulation carryover.

2.13.2. Sick Leave

BOS adopted – June 19, 2019

A. Earning Sick Leave

1. Plan 1 and 2 VRS Employees

a. Permanent full-time employees earn sick leave with pay at the rate of 8 hours per full month worked.

b. Permanent part-time employees (at least 20 hours per week) earn sick leave with pay at the rate of 4 hours per full month worked.

c. Sick leave balances may be carried over from year to year without limit.

d. Sick leave is not earned when an employee is absent for a period exceeding his or her earned leave balances.

e. Sick leave is not earned during that portion of an absence with pay that exceeds 60 consecutive calendar days.

2. Hybrid VRS Employees

a. Permanent full-time employees are provided a lump sum of 96 hours (12 days) of sick leave at the start of each fiscal year.

b. Permanent part-time employees (at least 20 hours per week) are provided a lump sum of 48 hours (6 days) of sick leave at the start of each fiscal year.

c. Sick leave balances are not carried over from year to year.

B. Use of Sick Leave

1. Permanent employees may use sick leave for absences related to conditions that prevent them from performing their duties, including: illness, injury, other personal or

immediate family health-related problems, medical appointments, pregnancy, childbirth, or a death in the immediate family (in addition to bereavement leave that may be authorized).

2. Employees shall notify their supervisor in advance of sick leave use whenever possible.

3. In advance of any planned sick leave period of three (3) or more consecutive work days, employees shall provide Human Resources with a written statement from their treating health care provider that includes:

- a. General nature of the employee's condition;
- b. Expected date of return to work;
- c. Any limitations on the duties/schedule for the employee;
- d. Expected date employee can return to full duties/schedule.

4. Upon return to work following any planned or unplanned sick leave period of three (3) or more consecutive work days, employees shall provide Human Resources with a written statement from their treating health care provider that includes:

- a. General nature of the employee's condition that kept them from work;
- b. Any limitations on the duties/schedule for the employee;
- c. Expected date employee can return to full duties/schedule.

5. Written statements from the treating health care provider are also required when an employee uses sick leave for three (3) or more consecutive work days for the health care needs of an immediate family member. An immediate family member is defined in section 2-13-10.B.

6. All employees on approved sick leave shall be paid their prevailing wage based on their normal scheduled work week.

7. VRS Hybrid Plan employees drawing short- or long-term disability on an approved medical absence shall be paid according to the disability insurance provisions in effect at that time.

8. Employees shall retain all benefits and seniority while on approved sick leave.

C. Other Sick Leave Provisions

1. Sick leave balances will transfer in their entirety with employees who move from one Fluvanna County department or constitutional office to another.

2. Full-time or part-time permanent employees with five or more years of continuous Fluvanna County service when their employment ends will be paid for twenty-five (25%) percent of their unused sick leave up to \$2,500.

3. Employees shall not use sick leave in lieu of annual leave. Employees found to be using sick leave inappropriately (e.g., “burning sick leave at the end of the fiscal year” or other inappropriate uses) are subject to disciplinary action up to and including dismissal.

2.13.3. Court Leave

Employees of the Sheriff's Office will operate under the Sheriff's policy regarding Court Leave in lieu of this section.

A. An employee's absence from work for jury duty or for attending court in a non-official capacity as a witness shall be defined as “court leave”. Only leave-eligible employees are eligible for court leave.

B. Court leave shall be granted by the County Administrator or Constitutional Officers for their respective employees. Before court leave is granted, the employee must submit a copy of the official summons for jury duty or witness service to the County Administrator or Constitutional Officer prior to the beginning date of such service. Any employee appearing in court either as a defendant or plaintiff in a case shall not be eligible for this leave.

C. A regular leave-eligible employee shall be granted time off without charge to other leave balances or a decrease in pay while performing jury duty, or when subpoenaed as a witness on behalf of the County, or in a proceeding in which the employee is not a party. The period of granted leave shall be only as necessary for the court appearance, plus the necessary travel time.

2.13.4. Military Leave. The following policy is intended to conform to state and federal law with respect to military leave for County employees. In the event that there is any dispute, ambiguity or misunderstanding as to the County's policy with respect to military leave, this policy shall be so construed as to conform to the federal Uniformed Services Employment and Reemployment Rights Act (URESSA) and other applicable federal or state laws.

A. Reserve Duty. Upon presentation of a copy of final orders or other equivalent notice, a regular employee who is a member of an officially-recognized reserve or National Guard unit is eligible to 15 work days of military leave for training purposes or active duty per federal fiscal year (October 1 – September 30). During this 15-day period, the employee shall be considered on military leave with pay and shall accordingly be paid his or her full gross salary for regularly scheduled work hours during this period. A full-time employee working a 40 hour work week will be allotted 120 hours (15 days x 8 hours) of military leave in a fiscal year. Military leave will be prorated for part-time employees and for employees on uncommon tours of duty based upon the “workday formula” as defined under Section 44-93 of the Code of Virginia. Based on formulas in the Code of Virginia as well as the US Office of Personnel Management, Sheriff's Deputies working an 84 hour bi-weekly schedule will be allotted 126 hours ($84/80=1.05 \times 120=126$ or $1/260 \times 2184=8.4 \times 15=126$) of military leave per federal fiscal year.

B. Active Duty. Employees who voluntarily enlist in the Uniformed Services of the United States, or a reservist called to active duty, shall be placed on leave without pay for up to five (5) years while serving in the uniformed services. The leave without pay shall commence after the 15-day military leave with pay has been utilized.

C. Procedures for Military Leave. An employee who is leaving to perform military service shall provide advanced written notice to his or her supervisor, which includes the expected dates of the leave. When available, employees shall provide a copy of their military orders. As with all leave requests, the employee should give as much advance notice as possible.

D. Benefits

1. During military leave with pay, the employee will continue to accrue VRS service time, annual leave, and sick leave. Employees who are on military leave without pay will continue to accrue VRS service time, but not annual leave or sick leave.

2. Employees reemployed following military leave will receive benefits determined by service time that the employee had at the beginning of military leave, plus any additional benefits the employee would have attained had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job.

3. During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee and covered dependents may elect to continue his/her health coverage for up to 24 months at the cost of 102% of the overall (both employer and employee) premium rate. This continuation of coverage serves as applicable health insurance coverage under COBRA.

E. Reemployment. Any employee whose absence from employment with the County is necessitated by reason of military service in the uniformed services shall be entitled to all reemployment rights and benefits as set forth in the federal Uniformed Services Employment and Reemployment Rights Act (URESSA) and other applicable federal or state laws.

F. Notice. Upon return from military service, an employee must provide notice of or submit an application for reemployment in accordance with the following schedule:

1. An employee who served for less than 31 days, must report for reemployment at the beginning of the first full regularly scheduled work day following completion of service and eight hours after returning to the employee's residence.

2. An employee who served for more than 30 days, but less than 181 days, must submit an application for reemployment no later than 14 days after completing his/her period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.

3. An employee who served for more than 180 days must submit an application for reemployment no later than 90 days after the completion of the uniformed service.

4. An employee who has been hospitalized or is recovering from an injury of illness incurred or aggravated while serving must submit an application for reemployment with Human Resources no later than two years following completion of service.

G. Terms

1. An employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

a. If less than 91 days of military service, employee will return to a position in which the employee had been employed prior to military service or a position that the employee would have attained if employment had not been interrupted by military service.

b. If more than 90 days and less than 5 years of military service, then an employee will return to a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay.

2. A probationary employee called to military service is eligible for reemployment. When a probationary employee is reemployed, he or she will return to the same status as existed prior to the military service.

H. Exceptions to Reemployment. In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The County's circumstances have so changed as to make reemployment impossible or unreasonable.

2. The employee's employment prior to the military service was merely for a brief, non- recurrent period of time and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

3. The employee did not receive an honorable discharge from military service.

2.13.5. Absence Without Leave. Absence without leave shall be defined as an absence from the job during a scheduled work period without enough appropriate leave to cover the absence. Also, failure to report to work at the expiration of an authorized leave or to request an extension of time, shall be considered an absence without leave. An unauthorized absence from duty during required hours of attendance shall be treated as an absence without pay. Where there are not adequate reasons for the failure to secure authorization prior to the absence the employee shall be subject to disciplinary action up to and including termination of employment.

2.13.6. Leave Without Pay

A. Leave of absence without pay may be granted for:

1. Educational leave in excess of such leave allowable with pay;
2. Family Medical Leave Act (FMLA);
3. Military leave in excess of such leave allowable with pay;
4. Use of annual and sick leave which exceeds the amount of leave earned requires specific advance approval of the County Administrator, or the Constitutional Officer for their respective employees.

B. Leave of absence without pay shall not be allowed until all balances of applicable leave with pay have been used. Except for FMLA, a leave of absence without pay shall not be granted for more than one calendar month without approval of the County Administrator or Constitutional Officers for their respective employees.

C. Any employee returning from leave of absence without pay, during or at the end of the period for which the leave was granted, shall be entitled to reinstatement. If he/she fails to return at the end of the period for which the leave was granted, he/she shall be treated as having resigned.

D. Leave Accrual. During the period for which the leave was granted, employees will not accrue annual or sick leave hours.

E. Benefits. The County will continue to pay:

1. Life insurance premiums.
2. Retirement Contributions

Note: Retirement contributions will not be made for any pay period in which no qualifying compensation has been received by the employee (i.e., if the employee was on leave without pay for the entire pay period).

F. Health Insurance Premiums. For an employee granted leave without pay status under the Family Medical Leave Act (FMLA), the County will continue to pay the employer portion of the premium. For an employee granted leave without pay status who does not qualify for FMLA, the employee will have to pay both the employer and employee portions of the premium in order to maintain coverage.

2.13.7. Educational Leave. Employees may be allowed to take leave to further their education through courses related to their work. This leave may be with full, partial, or no pay, and must be

authorized by the County Administrator, or Constitutional Officers for their respective employees, who decides what type of leave employees may take.

2.13.8. Closures Due To Weather or Other Emergencies

BOS adopted – November 6, 2019

A. Purpose. To prescribe uniform procedures for the closure of County offices and public services during periods of inclement weather and other emergencies.

B. Policy. Fluvanna County will make every reasonable effort to open facilities to the public as scheduled, consistent with safe access for staff and the public. Whenever it is determined that the health and safety of citizens or employees would be placed at risk, or that weather conditions prevent performance of regular operations and services, closure of County offices or specific departments may be deemed necessary.

1. The County Administrator, or designee, is responsible for determining whether a delayed opening, early closure, or full day closure of the County offices is necessary due to inclement weather or other emergency.

2. The chief judge or presiding judge of each respective court may authorize the Clerk of the Court to close the clerk's office and court. The clerk of the respective court will notify the County Administrator or designee of such closure.

C. Employee Safety

1. Employees should use their own judgment when they believe roads or other conditions may be unsafe for travel to/from work, and employees may take appropriate annual leave when necessary during inclement weather or emergency situations. Employees are encouraged to maintain adequate leave balances for such situations.

2. During times of emergency or inclement weather, it is the responsibility of the employee to confirm when and where County facilities will be closed. If such conditions develop during the night and warrant delayed opening or official closing, employees will be notified through the Everbridge Alert System. Additionally, employees are advised to listen to local radio/TV announcements for closures/reopening notices. If there is any doubt, employees should contact their supervisors.

D. Definitions

1. Closure Pay

a. A supplemental pay category, for leave-eligible employees, paid at an employee's base hourly rate during an officially approved closure period.

b. Closure pay can only be earned during an employee's regularly scheduled work hours, and is not a factor in calculating overtime wages.

2. Essential Employees. Essential employees are County employees who may be required to work during weather and emergency conditions, as designated by their department head.

3. Full Closure. The twenty-four (24) hour period, beginning at 12:00am, during which time all normal operations cease and County buildings remain closed to the public.

4. Public Safety Personnel. Deputy Sheriffs, including command staff, and Emergency Communications Officers.

E. Essential Personnel Provisions

1. Non-exempt essential employees who physically work some or all of their regularly scheduled hours during an approved closure will receive their normal compensation for those regular hours worked **plus** closure pay for those same hours worked during the closure.

a. A full closure begins at 12:00am and ends at 11:59pm of the same calendar day.

2. Overtime compensation applies to essential personnel who physically work more than 40 hours during that work week (Sun to Sat).

3. Overtime is only calculated on the regular and unscheduled hours worked, not the closure pay compensation amounts.

4. Exempt personnel do not receive additional compensation for hours worked during a closure period.

F. Essential Public Safety Personnel Provisions

1. The Sheriff, or designee, has the authority to designate personnel as "Essential Public Safety" or "Non-Essential Public Safety", based on operational needs of the agency during specific weather and emergency events. Regularly scheduled Public Safety personnel who are deemed non-essential shall abide by the provisions set forth in section 2.13.8G of this policy.

2. Public Safety who are designated "Essential Public Safety Personnel" may be required to physically work their regularly scheduled hours regardless of County service and building closures. Work hours may be modified to meet operational needs.

3. Public Safety personnel who physically work during a calendar day of an approved County closure will receive their normal compensation for those hours worked. Additionally, Essential personnel will receive closure pay for any hours worked during the calendar day of that closure. If the County only closes for a partial day, personnel will only receive closure pay for the hours worked during the time that County services and buildings are closed to the public.
4. Overtime is calculated based on regular and unscheduled hours worked, not the closure pay compensation amounts.

G. Non-Essential Personnel

1. Employees will not be required to make up regularly scheduled time missed during an approved closure. Such time will be charged to the closure pay code.
2. Regularly scheduled hours missed, outside of the approved closure hours, will be charged to accrued annual leave or accrued compensatory time.
3. Leave-eligible employees who are not regularly scheduled to work during an approved closure will not receive closure pay.
4. Personnel on previously approved leave, or who are out of the area on official business during an inclement weather emergency, will be considered to be “non-essential” and shall not receive closure pay.
5. Non-essential employees who work some or all of their regularly scheduled hours during an approved closure will not receive closure pay.

2.13.9. Leave Sharing

A. Requirements. Leave may be donated from one employee to another under the following conditions:

1. Employee receiving the leave uses it for authorized sick leave purposes only;
and,
2. Employee receiving the leave has exhausted all other leave balances (including annual, sick, and compensatory leave); and,
3. Employee donating the leave understands that there is no obligation or pressure to donate leave.

B. Requesting and Donating Leave. If an employee(s) have freely agreed to donate leave to another employee needing sick leave and meeting the conditions outlined in this policy, notification must be made to the Finance Director in writing. The following items must appear in that notice:

1. All parties must acknowledge that they meet all of the conditions as set forth in this policy.

2. Each donor shall indicate the type of leave he/she is donating and how many hours are being donated.

3. This letter shall be signed by both the requestor and the donor(s).

C. Should a requestor receive leave from more than one donor and not use all of the leave, the amount of donated leave remaining shall be divided equally among the donors and returned to them as the same type of leave that they donated.

2.13.10. Bereavement Leave

A. Policy. Bereavement leave is designed to provide employees with paid time away from work to grieve and to handle matters related to a death in their immediate family. All Regular full time staff are eligible for paid leave upon the death of an immediate family member. Regular part time staff will be compensated for regularly scheduled work hours only on the approved Bereavement Leave days.

B. Immediate Family Defined

- Spouse
- Child (natural/step/adopted/foster)
- Parent (natural/step/adoptive)
- Sibling (natural/step/adopted)
- Immediate in-laws (father, mother, sister, brother, son, daughter)
- Grandparents (immediate or spousal)
- Legal Guardian
- Person living in the same household as the employee.

C. Other relationships may also be approved on a case-by-case basis by the County Administrator or Constitutional Officer without setting precedent.

D. Length of Leave. Bereavement Leave is granted for up to three days. If additional time is necessary, the employee may elect to use other available leave with the approval of his/her supervisor.

E. Notification

1. Employees taking Bereavement Leave will notify their supervisor as soon as possible of the funeral arrangements, anticipated length of leave, where the employee can be reached during the Leave, and other appropriate information. In no case will Bereavement Leave begin before the Supervisor is notified.

2. If the employee requires more than 3 days leave in the event of a death in the immediate family, vacation, personal, comp, sick, or leave without pay may be requested for the additional days.

3. An employee may request leave for the death of a non-immediate family member or a friend. In this case, vacation, personal, comp or leave without pay may be requested.