



# Leave Policy

## Contents

<b><u>1. Purpose</u></b> .....	1
<b><u>2. Applicability</u></b> .....	1
<b><u>3. Policy</u></b> .....	1
<b><u>4. Policy Non-Compliance</u></b> .....	8
<b><u>5. Audit</u></b> .....	8
<b><u>6. Definitions</u></b> .....	8
<b><u>7. Approval and Revision History</u></b> .....	9

### 1. Purpose

The purpose of this policy is to provide employees with information regarding eligibility, accrual and use of leave for Buncombe County.

### 2. Applicability

This policy applies to all Buncombe County departments and employees. Where there is conflict with any department-specific policy, this document will supersede.

### 3. Policy

#### 3.1. Absence from Duty

3.1.1. An employee shall promptly, and no later than thirty minutes prior to the start of the workday, notify their Supervisor when they will be absent from duty for any reason. Failure to do so, may be cause for disciplinary action up to and including separation.

3.1.2. An employee who is absent from duty for three days without notification to the immediate supervisor shall be considered to have resigned unless failure to notify was demonstrably beyond the employee’s control.

3.2. **Annual Leave** – Annual leave provides employees an opportunity to relax for an extended period and to return to the job with renewed interest and vitality. The County encourages employees to take annual leave each year, with at least one week of leave being 5 days in duration.

All employees are expected to use their annual leave responsibly. **Annual leave may be taken only with the prior approval of the employee’s immediate Supervisor.** Supervisors have the discretion to decide when and in what amount annual leave may be approved. The approval decision should weigh the needs of the workplace and the frequency of requests with the **desires needs** of the employee.

3.2.1. Annual leave is allocated to employees based on years of service with Buncombe County.

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3.2.1.1. Full-time regular employees are eligible to earn annual leave at the following rates, accrued pro-rata on a bi-weekly basis:

YEARS OF SERVICE	DAYS EARNED PER YEAR IF HIRE DATE IS		
	BEFORE 8/1/2002	ON OR AFTER 8/1/2002	ON OR AFTER 2/15/2011
Less than 2 years	12 days	10 days	10 days
2 but less than 5 years	14 days	12 days	12 days
5 but less than 10 years	18 days	16 days	14 days
10 but less than 15 years	21 days	19 days	16 days
15 but less than 20 years	24 days	22 days	18 days
20 or more years	27 days	25 days	20 days

3.2.1.2. Part-time employees that work at least 20 hours in a payroll period are eligible to earn annual leave on a pro-rata basis. The leave will be computed as a percentage of total amounts earned by full-time regular employees as listed in the chart above.

3.2.2. Employees whose positions are set at 12 hours or more per shift (equivalent to one shift), will accrue annual leave as stated below.

3.2.2.1. The does not apply to employees who have created a flexible work schedule beyond an 8-hour shift or who work on-call shifts.

YEARS OF SERVICE	SHIFTS EARNED PER YEAR IF HIRE DATE IS	
	BEFORE 8/1/2002	ON OR AFTER 8/1/2002
Less than 2 years	12 shifts	10 shifts
2 but less than 5 years	14 shifts	12 shifts
5 but less than 10 years	18 shifts	16 shifts
10 but less than 15 years	21 shifts	19 shifts
15 but less than 20 years	24 shifts	22 shifts
20 or more years	27 shifts	25 shifts

3.2.3. Transfer and Payout - Buncombe County does not transfer accrued or unused annual leave from any other county, municipality or state government into the employee’s annual leave bank. ~~When an employee terminates their employment with Buncombe County, they are eligible to receive pay for their accumulated annual leave. In the event of death, payment of annual leave credit shall be made to the employee’s estate.~~

**Employees shall receive pay for their accumulated annual leave upon resignation, dismissal, retirement, or layoff unless the employee elects to transfer the leave balances to another accepting jurisdiction. Should an employee die, payment of annual leave credit shall be made to the employee’s estate. Should an employee die, resign, retire, or be laid off with a debt to the County, the County may withhold the**

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amount of the debt from the employee or their estate in its final payment to the employee or estate.

No more than two years of earned annual leave accumulation shall be paid.

- 3.2.4. **Maximum Accrual** – Any employee with more than two (2) years of annual leave (based on their existing accrual rate on January 1 of each year) will have the excess leave converted to sick leave on January 1.
- 3.2.5. **Cash Conversion** - With the approval of the Departmental Director and subject to the following conditions, regular employees may convert up to 40 annual leave hours to cash. With the approval of the Departmental Director and the Grant Manager, grant-funded positions may convert up to 40 annual leave hours, if the grant budget and terms allow.
- 3.2.5.1. **Conditions:**
- The employee must have taken at least 5 (consecutive) days of annual leave in ~~the past 12 months~~the calendar year the conversion is requested. No other leave type may be used to meet the 5-day requirement.
  - Only one conversion request will be approved for any employee in a calendar year.
  - Any request is limited to a maximum of 40 hours per regular employee per calendar year.
  - A minimum of 40 annual leave hours must be sold in any transaction.
  - A balance of at least 40 annual leave hours must be retained.
  - If an employee has participated in Parental Leave or Paid Family Leave, they are not eligible for a cash conversion for 12-months from the last day of their leave.
- 3.3. **Aggregate Service** - The employee's combined total period of countable service of employment within a regular position as an employee of Buncombe County, exclusive of any time allowed as transfer credit from another jurisdiction, for the purpose of determining entitlement to the particular benefit in question.

Aggregate service for retirement purposes refers to total length of service under which retirement contributions are paid into the N.C. Local Governmental Employees' Retirement System by the employee.

Aggregate service for determining the rates at which longevity and annual leave are earned by an employee is determined from the total years of service with Buncombe County only.

Rehired employees **after October 30, 2018**, or new hires from other government employers will be eligible for Annual Leave Accrual at rates commensurate with total years in service of Buncombe County plus other government employer(s) consistent with the Personnel Ordinance at the date as a new hire as described above.

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Except as otherwise provided, rehired employees, and new hires from other North Carolina government employers, will be eligible only for the existing benefits at the time they are rehired, e.g., current health insurance plan, current 401K plan, etc. In addition, rehired employees will be eligible for a longevity rate with said accrual calculated based on the date of rehire (previous years of service will not be counted). For an employee hired on or after July 1, 2016, the employee shall not be eligible for a pro-rated longevity payment upon separation by retirement if the employee retires before December 1.

- 3.4. **Community Service Leave** – All regular employees are eligible to receive 16 hours of paid community service leave annually for use to volunteer at an elections site, a community service organization or school.
- 3.5. **Conference Attendance** – A regular employee may be permitted leave with pay for the purposes of attending professional conferences, workshops, or educational meetings or classes when directly related to the employees' field of work. Request for such leave shall be submitted in writing to the Supervisor for his/her approval and final approval by the Department Head prior to the leave being taken. The County shall reimburse the employee for approved fees of the conferences, provided the employee submits proper receipts.
- 3.6. **County Holidays** – The County Manager develops and implements holiday pay administration procedures consistent with applicable federal and state laws. The Board of Commissioners must approve the offerings of all County observed holidays.
- 3.6.1. **Eligibility:** The following employees are eligible to receive Holiday Pay:
- Full-time regular and grant funded employees and officers of the County working the standard workweek.
  - Each holiday equals no more than one normally scheduled shift.
  - Should an employee work additional hour on the holiday, that have been pre-approved by the Department Director, they will not earn additional holiday pay.
  - Part-time regular and grant funded employees are eligible to receive paid holidays on a pro-rata basis. This calculation will be based on their annually scheduled hours.
  - Temporary employees are not eligible to receive holiday pay.
- 3.6.2. **Banked Holiday:** Employees scheduled to work or who have received prior permission from their supervisor to work on a holiday, will receive banked holiday time for the hours actually worked on a county holiday.
- 3.6.3. **Approved County Holidays:**
- New Year's Day
  - Martin Luther King Jr. Birthday (Observed)
  - Easter
  - Memorial Day
  - Juneteenth (the Friday on or before Juneteenth)
  - Independence Day
  - Labor Day
  - Veteran's Day
  - Thanksgiving (2 days: Thanksgiving and the following Friday)

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- Christmas (3 days)

3.7. **Educational Leave with Pay** – A leave of absence at full or partial pay during regular working hours may be granted to a regular employee to take a course or courses which shall better equip the employee to perform assigned duties upon approval of the department head. The County shall reimburse the employee for tuition and fees for the course, provided the employee submits a receipt of course expenses and a notice of successful completion (passing grade or better) of the course. An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which the employee is entitled.

3.8. **Emergency Leave - Whenever the County Manager determines that the health and safety of the community would be placed at risk or that conditions or events prevent performance of regular operations, a decision will be made regarding the office hours of County offices.**

The County manager shall develop and implement procedures for this leave status.

3.9. **Family and Medical Leave (FMLA) and Paid Family Medical Leave (PFML)** – Family and medical leave shall be provided in compliance with the Family and Medical Leave Act of 1993, as amended (“FMLA”) and the rules and regulations of the U.S. Department of Labor concerning FMLA. The County manager shall develop and implement family and medical leave policies and procedures consistent with the FMLA.

3.10. **Funeral/Bereavement Leave** – Employees are eligible for funeral leave in the event of a death of an immediate family member not to exceed three (3) days. The three (3) days may not be consecutive or immediate due to funeral or internment circumstances. Requested leave exceeding the maximum days, in aggregate, may be charged to sick leave or leave without pay.

Immediate family members are defined as:

- the employee’s spouse
- the employee’s children or stepchildren, parents, grandparents, grandchildren, brothers, or sisters
- the employee’s spouse’s parents

Leave for death of other relatives may be charged to sick leave, annual leave, PTO or leave without pay.

The County manager shall develop and implement procedures for this leave status.

3.11. **Leave without Pay (LWOP)** – Regular employees may be granted a leave of absence without pay for compelling personal reasons for up to thirty (30) calendar days per year.

3.11.1. LWOP requests must be **submitted** to the department director and approved by the Human Resources Director using the **proper request form in Workday**.

3.11.1.1. If leave without pay is for a department director, the request should be submitted to the Human Resources Director and approved by the County Manager.

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- 3.11.2. Approval of leave will be based on many factors, including but not limited to, department needs, staffing levels, reason for the leave, employee's use of previous leave, performance history, and tenure with the County.
- 3.11.3. The employee is obligated to return to duty within or at the end of the time determined appropriate by the appointing authority. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay.
  - 3.11.3.1. If the employee decides not to return to work, the supervisor must be notified immediately of this decision, in writing.
  - 3.11.3.2. The supervisor/department director is then required to notify Human Resources.
- 3.11.4. Failure to report at the expiration of a leave of absence, unless an extension has been granted by the County Manager, shall be considered a voluntary resignation.
- 3.11.5. Retention and Continuation of Benefits
  - 3.11.5.1. An employee ceases to earn leave credits when their LWOP is 51% or more in a pay period.
  - 3.11.5.2. The employee may continue to be eligible for benefits under the County's group insurance plans, subject to any regulations adopted by the Board of County Commissioners and the regulations of the respective insurance carriers.
  - 3.11.5.3. While an employee is on paid leave, Buncombe County will continue the employee's insurance benefits during the leave period at the same level, and under the same conditions as if the employee had continued to work.
  - 3.11.5.4. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. If the employee is using unpaid leave, then the employee's portion of the benefit will be taken out of the employee's paycheck upon his/her return to work.
  - 3.11.5.5. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, Buncombe County will require the employee to reimburse Buncombe County the amount it paid for the employee's insurance premiums during the leave period.
  - 3.11.5.6. Buncombe County may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

The County manager shall develop and implement procedures for this leave status.

- 3.12. **Mandatory Court Appearances** – Leave with pay is provided to employees when serving on a jury or when subpoenaed as a witness in a case in connection with his/her official duties. At the completion of jury duty or as a witness, the employee is expected to immediately return to work. **While on jury duty or when subpoenaed as a witness in connection with the employee's official duties, benefits and leave shall accrue as though the employee were on regular duty.**

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- 3.12.1. Jury Duty –Regular employees called for jury duty in State or Federal Court shall receive leave with pay for such duty during the required absence.
  - 3.12.1.1. The employee must code this time on their timesheet as Jury Duty.
  - 3.12.1.2. The employee will not be required to account for any fee or compensation received for jury service.
  - 3.12.1.3. Temporary employees are not eligible for jury duty leave.
- 3.12.2. Witness – A regular employee subpoenaed as a witness in a case in State or Federal Court in connection with his/her official duties shall receive regular compensation for said court appearance. All witness fees received by the employee must be submitted to the County upon receipt.
- 3.12.3. Subpoena – employees who are subpoenaed as a witness in State or Federal Court in a case which is not related to their official duties must use annual leave or PTO leave during this absence.
  - 3.12.3.1. Witness fees and travel expenses are to be retained by the employee.

The County manager shall develop and implement procedures for this leave status

- 3.13. **Military Leave** – In accordance with federal and state laws, the County provides military leave to employees who are members of the uniformed services for absences to perform military duty, whether voluntary or involuntary. Absences to perform any military duty (including active duty, active-duty training inactive duty training such as scheduled drills and summer camp, full-time duty, fitness-for-duty examination, and funeral honors duty) are covered in the Military Leave Procedures document, unless the employee reaches the five-year maximum of military leave as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

The County manager shall develop and implement procedures for this leave status.

- 3.14. **Parental Leave** – Regular employees of school aged children may take up to four hours of unpaid leave for participation in their child’s school events and conferences. The leave must be planned with the Supervisor in advance. The supervisor may ask for written confirmation that the employee has attended the school event as planned.
- 3.15. **Personal Time Off (PTO)** – Full-time regular employees are granted two PTO days after they complete their first day of work and then on the first day of each calendar year. Any unused PTO at the end of the calendar year shall be forfeited. Part-time regular employees shall receive PTO on a pro-rata basis computed as a percentage of the total amount received by a full-time employee.

The County will not transfer PTO from another county, municipality, or state government. Upon an employee’s resignation or termination, no payment shall be made for any remaining PTO and such PTO is forfeited.

The County manager shall develop and implement procedures for this leave status.

- 3.16. **Sick Leave** – All employees subject to the Local Government Employees' and Law Enforcement Officers' Retirement Systems who are in a pay status for ten (10) or more

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workdays are eligible for sick leave time that can be used to recover from physical/mental illness or injury.

- 3.16.1. Full time employees who work 40 hours or more each week earn sick leave at the rate of 3.6923 hours per payroll period or 12 days per year.
- 3.16.2. Part time employees whose normal work week is less than forty (40) hours per week shall earn sick leave proportionally on a pro-rata basis.
- 3.16.3. For employees that are scheduled to work twelve-hour (12) shifts, sick leave will be accrued based on twelve (12) shifts per year.

Sick leave may be used for:

- Physical or mental illness or injury which prevents an employee from performing usual duties and for the actual period of temporary disability
- Medical appointments
- Illness of a member of the employee's immediate family. For purposes of this section, immediate family shall be as defined under the Family and Medical Leave Act.

The employee must notify their supervisor no later than thirty (30) minutes before the beginning of the employees scheduled work shift. Emergency Services and Public Communication/911 employees must notify their supervisor no later than an hour and a half (90) minutes before the beginning of the employees scheduled work shift.

Sick leave shall be authorized in minimum increments of one-quarter ( $\frac{1}{4}$ ) hour periods.

The department director (or designee) may require a statement from a health care provider or other acceptable proof that the employee was unable to work due to personal illness, family illness, or medical appointment.

- Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays shall not be counted as sick leave unless that day is their normally scheduled shift.
- No payment shall be made for accumulated sick leave credits at the time of the employee's separation.

Unused sick leave shall be accepted for employees hired, rehired or reinstated within three (3) years of their last workday provided the employee earned sick leave while under the North Carolina's Employees' and Teachers' Retirement System, North Carolina Local Government Employees' Retirement System, or North Carolina Law Enforcement Officers' Retirement System. In consultation with the Human Resources Office, the Risk Manager will ensure that employees are credited with sick leave accrued during time lost due to on-the-job injuries.

After completion of the first six months of continuous employment, the County of Buncombe may allow a new County regular employee to transfer all days of previously accumulated sick leave accrued while employed by a State of North Carolina, County, or Municipal jurisdiction. Sick leave is allowed creditable service at the time of retirement to employees who are members of the N.C. Local Governmental Employees' Retirement System. One month of credit is allowed for each twenty days of unused sick leave when the employee retires and an additional month for any part of twenty days left over. Any conflict between this section and the LGERS regulations, the LGERS regulations shall prevail.

The County manager shall develop and implement procedures for this leave status.

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- 3.17. **Voluntary Shared Leave** – In catastrophic cases where an employee is without leave due to a prolonged medical condition, they may receive donated annual leave from other Buncombe County employees.

The County manager shall develop and implement procedures for this leave donation program.

#### 4. **Policy Non-Compliance**

Employees willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

#### 5. **Audit**

All policies for Buncombe County may be subject to audit or review as outlined in the [Internal Auditor's Statement](#).

#### 6. **Definitions**

- 6.1. **Community Service Organization** - A non-profit, non-partisan community organization that is designated as an IRS Code 501(c)(3) agency, or a human service organization licensed or accredited by the State of North Carolina to serve citizens with special needs including children, youth, and the elderly.
- 6.2. **Family and Medical Leave (FMLA)** - The Family and Medical Leave Act (FMLA) is a federal regulation that provides eligible employees with up to twelve (12) weeks of unpaid, job-protected leave per year.
- 6.3. **Full time employee** – for this policy, a full-time employee is defined as working at a minimum of forty (40) hours a week.
- 6.4. **Immediate Family** – is defined as the employee's spouse; the employee's children or stepchildren, parents, grandparents, grandchildren, brothers, or sisters; or the employee's spouse's parents. Regarding FMLA, the definition of immediate family member is defined by the US DOL.
- 6.5. **Part time employee** – for this policy, a part-time employee is defined as working a minimum of 20 - 39 hours a week.
- 6.6. **Pro-rata accrual** – Is where leave is calculated for accrual purposes proportionally based on the number of days/hours the employee works in a year.
- 6.7. **School** - An elementary school, a middle school, a high school, or a childcare program that is authorized to operate under the laws of the State of North Carolina
- 6.8. **Uniformed Services Employment and Reemployment Rights Act (USERRA)** is a federal law that protects military service members and veterans from employment discrimination on the basis of their service and allows them to regain their civilian jobs following a period of uniformed service.
- 6.9. **Volunteer** – A person who willingly chooses to perform hours of service for civic, charitable, or humanitarian reasons without promise or expectation of compensation for services provided

#### 7. **Approval and Revision History**

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Policy Origination Date:	May 9, 2022
Requires Board Approval:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Board Approval Date:	November 2, 2022
Revision History:	11/01/2022 - edited Community Service Leave 12/06/2022 – Added maximum accrual language, changed inclement weather leave to emergency closure leave. Added language regarding accruing annual leave, the manner of taking annual leave and annual leave payout upon separation. Adding language regarding the transferability of sick leave.

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