



Leave – Standard Operating Procedures

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1.0 Purpose

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

2.0 Specific Procedures

- i. **Annual Leave Cash Conversion**
 - a. If an employee wishes to convert 40 hours of their Annual Leave to cash, they must log 40 consecutive hours of Annual Leave in the 12 months prior to the conversion request. No other leave type will be applicable towards the required 40 hours of Annual Leave.
- ii. **Community Service Leave (CSL)**
 - a. Community service leave is unpaid work performed for the benefit and betterment of the community without any form of compensation.
 - b. Community service leave is available to use throughout the calendar year, January 1st – December 31st.
 - 2.ii.b.1 Each January, the Community Service Leave will reset.
 - 2.ii.b.2 This leave does not roll over into a new calendar year.
 - 2.ii.b.3 This leave cannot be cashed out, converted to another leave type or given to another employee to use.
 - c. Employees wishing to use Community Service Leave must request and receive prior approval before using this leave type in Workday.
 - d. Community Service Leave must be used in one-quarter ($\frac{1}{4}$) hour increments and logged appropriately in Workday. Example: 15 minutes = 0.25, 30 minutes = 0.50, 45 minutes = 0.75.
 - e. Community Service Leave may be used for any state sanctioned non-profit (501c3), school system or other governmental agency (excluding Buncombe County Government) volunteering opportunity.
 - f. Travel to/from your work location to the volunteer site may be used as total time taken when reporting Community Service Leave in Workday.
 - g. Employees are not eligible to receive mileage, per diem, meals and incidental reimbursement when participating in Community Leave.
 - h. Community Service Leave does not count towards overtime hours, nor can it be banked for later use. Community Service Leave may only be used during the employee's normal work shift.
 - i. Department directors may request documentation should there be the need to verify Community Service Leave.

iii. **Conference Attendee**

A regular employee may be permitted to attend professional conferences, workshops, or educational meetings or classes when directly related to the employees' field of work.

- a. Request for such time 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.
- b. The County shall reimburse the employee for approved fees of the conferences, provided the employee submits proper receipts.
- c. If the employee attends meetings or classes before or after their scheduled work hours, they shall include this as time worked.
- d. The employee must code their time as Professional Development in Workday.

iv. **Educational Leave with Pay**

Educational Leave must be requested in advance, and approved, by the Department Director and the County Manager prior to the employee enrolling in a college level or certification course. This leave is intended for an employee to take a single course and is not intended to lead to a degree. This leave benefit cannot be used as a tuition reimbursement program.

- a. This leave type does not apply to professional development courses. Professional development courses are short in duration and are not offered through a college or university for college credit. Example: A UNC School of Government professional development course. Employees attending a professional development course would code their time as Professional Development Leave in Workday.
- b. The County shall reimburse the employee for tuition and fees for the course(s) that are required for their position, provided the employee submits a receipt of course expenses and a notice of successful completion (passing grade or better) of the course.
- c. This leave type does not apply to conference attendance.
- d. If the course time is before or after the employee's normal scheduled shift, Educational Leave will not be granted.
 - 1.i.d.1 This leave type may not be used to study or do homework.
- e. Travel expenses are not covered under this leave benefit.
- f. Department Directors have the discretion to provide approval for employees to attend courses if they are related to an employee's job duties. Approved courses must be at the request of the County and the Department Directors are responsible for ensuring their department's ability to pay for the course prior to approval. Example: An Analyst is requested by their Director to attend a Lean Six Sigma course at a local college. While this course is for credit, it would not lead towards a degree but would provide positive impact to the implementation of the Mind Works program.
- g. Educational Leave must be used in one-quarter ($\frac{1}{4}$) hour increments and logged appropriately in Workday. Example: 15 minutes = .25, 30 minutes = .50, 45 minutes = .75.

- v. **Family Medical Leave (FMLA)**
 - a. The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
 - b. All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Benefits Administrator or Benefits Specialist. To provide the request in writing, please email FMLA@BuncombeCounty.org.
 - c. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.
- vi. **Funeral/Bereavement Leave**
 - a. The Leave Policy outlines the notification and use of Funeral Leave.
 - b. Funeral Leave may be taken at the time of death and or funeral or reserved for the internment which may be scheduled at a later date.
 - c. Funeral Leave or any other leave taken relating to the bereavement of a family member must be accurately reported in Workday.
 - d. Funeral Leave must be used in one-quarter ($\frac{1}{4}$) hour increments and logged appropriately in Workday. Example: 15 minutes = 0.25, 30 minutes = 0.50, 45 minutes = 0.75.
 - e. Department directors or their delegates may documentation should there be the need to verify Funeral Leave.
- vii. **Leave without Pay (LWOP)**
 - a. LWOP requests must be submitted to the department director and approved by the Human Resources Director using the proper electronic request process in the County's ERP system (Workday). The job aid can be found on the HR Hub intranet page.
 - 2.vii.a.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.
 - b. 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.
- viii. **Mandatory Court Appearances**
 - a. Jury Duty:
 - 2.viii.a.1 Provide notice to supervisor.
 - 2.viii.a.2 The employee must code this time on their timesheet as Jury Duty.
- ix. **Military Leave**

The County will comply with all procedures and guidelines under the USSERA Act.

 - a. Advance Notice and Verification Requirements
 - 2.ix.a.1 The employee will need to submit copies of their military orders, training notices or induction information to Human Resources within

30 calendar days of the assignment or at the time of hire, except in the case of a national emergency. Human Resources reserves the right to contact the officer in the military branch who issued the orders, notices or induction information to confirm their validity.

- b. Compensation and Benefits During Leave
 - 2.ix.b.1 An employee may elect to use any accrued vacation, PTO, or banked holiday leave in lieu of unpaid Military Leave.
 - 2.ix.b.2 Employees on Military Leave are entitled to the same benefits provided to employees on other leaves. USSERA regulations outline the County's and employee's responsibility regarding premiums including COBRA offering.
 - 2.ix.b.3 A re-employed veteran must be treated as not having incurred any break in service for purposes of the employer's pension plan upon their return to employment as long as the service member is reemployed within the time limits set by USERRA.
 - 2.ix.b.4 The employee continues to accrue leave during their Military Leave absence.
- c. Seniority Rights
 - 2.ix.c.1 Employees returning from Military Leave are entitled to "the seniority and other rights and benefits determined by seniority" that they would have attained with reasonable certainty had they not gone on leave.
- d. Reinstatement
 - 2.ix.d.1 Both an employee and the employer have obligations under USERRA with respect to an employee's return to employment following a Military Leave. Under USERRA, time limits for returning to work depend upon the duration of an individual's military service.
 - 2.ix.d.1.1 If an employee's military service is less than 31 days or is for the purpose of taking an examination to determine fitness for service, the employee must report for reemployment at the beginning of the first regularly scheduled workday that would fall eight hours after they have been provided with a reasonable time to return home. If, due to no fault of the employee, reporting within that period is impossible or unreasonable, the employee must report back to work as soon as possible.
 - 2.ix.d.1.2 If the period of service is 31 days to 180 days, the employee must submit an application to Human Resources no later than 14 days following completion of service. If submission of a timely application is impossible or unreasonable through no fault of the employee, the application must be submitted as soon as possible.
 - 2.ix.d.1.3 If the period of military service is greater than 180 days, the employee must submit an application to Human Resources no later than 90 days after completion of the service.
 - 2.ix.d.1.4 USERRA provides for an extension of these time limits for up to two years if an employee is hospitalized or convalescing from a service-related illness or injury. The two-year period may be extended by the minimum time required to accommodate a circumstance, beyond

an individual's control, that would make reporting within the two-year extension period impossible or unreasonable.

2.ix.d.1.5 If an employee fails to report to work or to reapply for employment within the appropriate time frame under the USSERA Act, the employer can separate the employee for unexcused absences/job abandonment.

e. Protection from Discharge or Discrimination

2.ix.e.1 Employees reemployed after a Military Leave of 181 days or more may not be discharged without cause for one year after the date of reemployment.

2.ix.e.2 An employee who is reemployed after a Military Leave of 30 days, but less than 180 days may not be discharged without cause for six months after the date of reemployment.

x. **Parental Leave (Unpaid)**

a. Employees in regular County positions with school-aged children may request up to four hours of unpaid leave for the purpose attending their child's school performances or conferences. This type of leave is separate from Leave without Pay and doesn't require a LWOP request form. This type of absence from work is not eligible for Community Leave.

b. The leave must be with the supervisor in advance. The supervisor may ask for written confirmation that the employee has attended the school event as planned.

c. Absences from work should be entered into Workday as Unpaid Leave with a description in the note section designating it Parental Leave.

d. Parental Leave must be used in one-quarter ($\frac{1}{4}$) hour increments and logged appropriately in Workday. Example: 15 minutes = 0.25, 30 minutes = 0.50, 45 minutes = 0.75.

xi. **Personal Time Off (PTO) Leave**

a. PTO shall be renewed on the first day of each calendar year.

b. Any unused PTO will be forfeited as of January 1 the following calendar year.

c. Newly hired employees may not use PTO Leave during their first week of work.

d. PTO cannot be used after the employee has given their resignation in lieu of a working notice.

e. Personal Leave must be used in one-quarter ($\frac{1}{4}$) hour increments and logged appropriately in Workday. Example: 15 minutes = 0.25, 30 minutes = 0.50, 45 minutes = 0.75.

xiv. **Sick Leave**

a. The Leave Policy outlines the notification and use of Sick Leave.

b. On the 3rd consecutive workday of sick leave use or if there is a pattern of use, 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.

c. Sick Leave must be used in one-quarter ($\frac{1}{4}$) hour increments and logged appropriately in Workday. Example: 15 minutes = 0.25, 30 minutes = 0.50, 45 minutes = 0.75.

xv. **Temporary Duty Elsewhere (TDE)**

To request to be temporarily assigned to work at another Buncombe County work location, the following steps should be followed:

a. Employees must make the request to work at a site other than their regular department.

- b. As long as there is coverage the supervisor should approve the 'temporary change in work location'.
- c. Employees log their hours using the Regular Time Type on their timecard along with a Managerial Reporting tag to designate where the work was performed.
- d. Trading of hours is allowed for working the polls for 16-hours on an election day.
 - 1.xv.d.1 Employees can work with their supervisor to trade for another day off within the same week.
 - 1.xv.d.2 If an hourly employee works overtime in the temporary assignment and cannot trade the hours for another day within the pay week, the Elections Department will be charged not the employee's regular department.

xvi. Voluntary Shared Leave

- a. In catastrophic cases where an employee is without leave due to a prolonged medical condition, they may receive donated Annual Leave from another Buncombe County employee(s). This program will be coordinated and monitored by the Human Resources - Benefits Division. This is not a pooled leave program.
- b. Recipient Guidelines
 - 1.xiv.b.1 Any regular employee who has successfully completed their one-year probationary period is eligible to receive this shared leave.
 - The employee is eligible to participate in this program once in a two-year period starting from the date the employee begins using this donated leave.
 - 1.xiv.b.2 The employee may not use more leave than their normal schedule in a pay period.
 - 1.xiv.b.3 Participation in this program is limited to 480 hours or the equivalent of 12-weeks in a calendar year for employees who hold a regular position.
 - Part-time employees are eligible on a pro-rated basis.
 - 1.xiv.b.4 Donation limits are for one year from the date of the first donated leave is used.
 - 1.xiv.b.5 The employee must exhaust all available leave before using donated leave.
 - 1.xiv.b.6 Time cards need to be designated as donated sick for the time used.
 - 1.xiv.b.7 At the expiration of the approved leave period, any unused leave in the recipient's donated leave account shall be treated as follows:
 - Any additional unused donated leave shall be returned to the donor(s) on a pro-rated basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.
 - If a recipient separates from employment with the County, participation in the program ends. Donated leave shall be returned to all currently employed donor(s) on a pro-rated basis.
- c. Donor Guidelines
 - 1.xiv.c.1 Only accrued but unused Annual Leave may be donated.
 - 1.xiv.c.2 This leave may be donated to address the prolonged medical condition of the employee, or their immediate family members,

defined as spouse, or the biological or step- mother, father, or children.

- 1.xiv.c.3 Minimum and maximum allowable donations:
 - The minimum donation amount is four (4) hours.
 - The maximum amount of leave allowed to be donated to an employee is 160 hours (the equivalent of 4 work weeks).
- 1.xiv.c.4 The amount donated cannot reduce the donor's annual leave balance below their normal weekly schedule.
- 1.xiv.c.5 If the donor leaves employment and the recipient does not use all of the donated leave, the remainder of the leave will be forfeited by the donor.
- 1.xiv.c.6 Donating employees must request from HR and complete a Voluntary Shared Leave donation form and return it to FMLA@buncombecounty.org for approval.
- 1.xiv.c.7 Participation in the shared leave program is voluntary, and no employee should be made to feel pressured or coerced to donate their leave.
 - Human Resources will not share with the receiving employee who the donors are.

3.0 References

- i. Leave Policy
- ii. Uniformed Services Employment and Reemployment Rights Act (USERRA)

4.0 Definitions

- i. **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.
- ii. **Full Time Regular Employee** – please refer to the definition of the Personnel Ordinance.
- iii. **Part-time Regular Employee** – please refer to the definition in the Personnel Ordinance.
- iv. **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.
- v. **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.
- vi. **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.