

## **SECTION 5: LEAVES**

### **5.1 Absenteeism**

Employees will report to their work stations sufficiently early to enable them to prepare to conduct their duties by the beginning of normal work hours, or as defined by departmental regulations. Any absence which does not conform to the County's leave policy will be considered unauthorized and may be grounds for disciplinary action. If an employee has a history of unauthorized absences, such absences may constitute the basis for discipline up to and including dismissal.

### **5.2 Holidays**

Harper County will observe holidays as outlined below:

|                        |                                |
|------------------------|--------------------------------|
| New Year's Day         | Veteran's Day                  |
| Martin Luther King Day | Thanksgiving Day               |
| Memorial Day           | The day after Thanksgiving Day |
| Independence Day       | Christmas Eve                  |
| Labor Day              | Christmas Day                  |

- a. If a legal holiday occurs during an employee's vacation, that day will not be charged to the employee's accrued vacation time. If a declared holiday falls on the regular day off an employee, that employee will receive a day of holiday pay for that day.
- b. A legal holiday falling on Saturday will be observed on Friday, while a legal holiday falling on Sunday will be observed on Monday.
- c. An employee who is on leave-without-pay for any portion of the last working day before, or the first working day following a legal holiday shall not receive pay for the holiday. Regular pay, or PTO (Transitional Sick Bank time, with approval), must be used before and after the holiday in order to be compensated for the holiday.

### **5.3 Paid Time Off (PTO)**

Paid Time Off provides all Full Time employees with time away from work that can be used for vacation, personal time, personal illness or time off to care for dependents. PTO must be scheduled in advance and have supervisory approval, except in the case of illness or emergency. The PTO Policy takes the place of the Vacation Leave, Sick Leave, and Personal Leave.

- a. **Eligibility:**  
Full Time employees, as defined in Section 2.2 of this manual, are eligible to earn PTO. PTO is not available to Part Time, Temporary, or Seasonal employees, or Elected Officials.
- b. **Earning Process:**  
PTO is earned each pay period, and credited to an employee's PTO bank on a bi-weekly basis. Eligibility to earn PTO is contingent on an employee having worked or used PTO for the entire pay period. PTO is not earned when unpaid leave is taken during the pay period being processed. New hires and re-hires will begin earning PTO upon completion

of a full pay period. Re-hires will not receive credit for previous years of service, and will begin earning at the 0-1 year rate.

PTO is earned, based on Full Time years of service, per the following schedule:

- 0 – Completion of 1<sup>st</sup> Year: 120 Hours 4.62 (4:36) hours per pay period
- 1<sup>ST</sup> Year – Completion of 4<sup>th</sup> Year 140 Hours 5.39 (5:23) hours per pay period
- 5<sup>th</sup> Year – Completion of 9<sup>th</sup> Year; 180 Hours 6.92 (6:55) hours per pay period
- 10<sup>th</sup> Year – Completion of 14<sup>th</sup> Year: 220 Hours 8.46 (8:27) hours per pay period
- 15 + Years 260 Hours 10.00 (10:00) hours per pay period

c. **Availability:**

PTO must be earned before it may be used; employee PTO banks will not be allowed to go into arrears.

Newly hired and re-hired employees will begin earning PTO hours immediately after completion of a full pay period, but must satisfy a six (6) month waiting period prior to being eligible to utilize earned time.

d. **Request & Approval Procedure:**

PTO requests should be submitted in advance, and are subject to Department Head approval. PTO requests will be reviewed and approved according to the needs and operating requirements of the county, departmental seniority rights, and the preference of the employees.

PTO must be taken in quarter-hour increments. The maximum PTO leave allowed at one time is 80 hours (**absences due to family/medical leave or disability are not subject to this limit**). Exceptions to the maximum amount authorized may be made with approval from the Department Head and the Board of County Commissioners.

PTO will not be included in overtime calculations, and may only be used to make up for time missed during regular work hours not to exceed a total of 80 hours in a pay period (86 hours for law enforcement), with the following exceptions:

The use of PTO may allow for total hours to exceed 40 per week, or 80 per pay period (86 for law enforcement) **only** in the following instances, and with Department Head approval:

- a. An unforeseen incident requiring an employee to work outside of their regular schedule;
- b. Scheduled meetings deemed mandatory by the Department Head or Board of County Commissioners;
- c. Unscheduled meetings in which the employee's position with the county necessitates attendance;
- d. Non-planned, Emergency situations, at Department Head or Board of County Commissioners' request

This is an inclusive list of approved situations allowing for PTO hours to combine with regular hours to exceed the 40 per week or 80 per pay period (86 for law enforcement) threshold.

PTO hours remain ineligible for overtime calculations.

Unpaid leave of any kind must be approved in advance by Department Head and Board of County Commissioners.

**e. Absence in the case of illness or injury:**

When an employee is absent, due to his/her illness, the employee's Supervisor or Department Head shall be notified within one (1) hour prior to the regular starting time for reporting to work, or in accordance with specific departmental procedure.

These absences will be compensated using available Transitional Sick Bank time (see section 5.4 of this manual). If there is no Transitional Sick Bank time available to the employee, PTO may be used.

An employee must inform his/her Supervisor or Department Head of their condition if the absence is expected to last three (3) days or longer, or involves hospitalization of any kind (in-patient, or out-patient). In such instances, documentation will be required from the employee's healthcare provider, releasing the employee to work. ***This must be received by the Department Head prior to the employee's first shift back to work.***

In the case of a work related illness, or injury, the County reserves the right to request, at the expense of the County, a special physical examination by a physician selected by the County. In the event the employee is unable to fulfill the employment duties for medical reasons, the County may reassign or terminate the employee.

**f. PTO Carry-Over Hours:**

While employees are encouraged to schedule and take all earned PTO hours within the calendar year, this is not always possible, due to the business needs of the County. In these instances, the Department Head may approve a carryover into the next calendar year, of no more than the maximum annual accrual amount, based on years of service (see table above).

**g. Maximum Accrual Amount:**

Employees may accrue up to 320 hours of PTO. When this limit is reached, the accrual will stop until hours have been used, bringing the balance of the bank below 320 hours. At that time, the accrual will begin again, as before.

Due to the high balances of leave time held by some employees at the time of transition to PTO from Vacation Leave, employees will be allowed to carry a balance of more than 320 hours until July 1, 2017. At that time, all accrued, but unused PTO in excess of the 320 hour maximum will be transferred into the employee's Transitional Sick Bank.

**h. Termination Pay:**

An employee in good standing, who voluntarily leaves Harper County employment, and has been a Full Time employee in excess of one year, will receive pay for unused accrued PTO, not to exceed the maximum accrual for the years of service as listed above.

To be eligible for Termination Pay, an employee must submit appropriate notice of resignation (four (4) weeks for Department Heads, two (2) weeks for all other employees) and will be required to work their regular schedule during that time. Transitional Sick Leave may be used during this time with documentation from a Healthcare provider, as well as

PTO that was scheduled (and approved) prior to submission of the resignation notice.

5.3 Paid Time Off (PTO) updated 9/18/2017, effective 9/17/2017

#### **5.4 Transitional Sick Bank**

Effective January 1, 2017, the Sick Leave Policy was replaced with a Paid Time Off (PTO) Policy (see section 5.3 in this manual). All accrued, but unused Sick Leave earned by current employees at the time of this transition was placed into an individual Transitional Sick Bank for each employee.

This bank of time will be available to cover any absence due to personal illness, medical or dental appointments, or injury, for the employee or eligible family members.

An eligible family member is defined as: spouse, son/daughter (in-law), father (in-law), mother (in-law), brother (in-law), sister (in-law), grandparents, great grandparents, grandchildren, great grandchildren, step-parents, step-children, step siblings, and the same relative of the spouse or any relative residing in the same household.

Appropriate documentation from a healthcare provider will be required in order to receive compensation from this bank of time. There may be times when an employee, or family member is ill, but does not seek medical treatment, therefore will not be able to produce documentation. It will be up to the Department Head to approve or deny use of this bank in those instances.

***This bank of time cannot be used as compensation for absences that are not related to personal illness or injury, or in lieu of PTO.***

a. **Request & Approval Procedure:**

Use of Transitional Sick Bank time is subject to approval by the Department Head.

If approved, the Department Head will indicate this on the employee's time sheet, and submit the accompanying documentation to HR to be filed in the employee's Health record.

Transitional Sick Bank time must be taken in 1/4 hour increments. If there is no Transitional Sick Bank time available to the employee, PTO may be used.

b. **Absence in the case of illness or injury:**

When an employee is absent, due to his/her illness, the employee's Supervisor or Department Head shall be notified within one (1) hour prior to the regular starting time for reporting to work, or in accordance with specific departmental procedure.

An employee must inform his/her Supervisor or Department Head of their condition if the absence is expected to last three (3) days or longer, or involves hospitalization of any kind (in-patient, or out-patient). In such instances, documentation will be required from the employee's healthcare provider, releasing the employee to work. ***This must be received by the Department Head prior to the employee's first shift back to work.***

Any employee who is absent from work for five (5) or more consecutive days due to a job-related injury or any other incapacity must have a medical release from a physician and an interview with his/her Department Head to determine fitness to return to work. This procedure is required to protect the employee's secondary injury rights under the Kansas

Workers' Compensation Act. The County reserves the right to request, at the expense of the County, a special physical examination by a physician selected by the County. In the event the employee is unable to fulfill the employment duties for medical reasons, the County may reassign or terminate the employee.

c. **Termination Pay Out:**

An employee in good standing, who voluntarily leaves Harper County employment, and has been a Full Time employee in excess of ten (10) years will receive pay for unused Transitional Sick Bank hours, at a rate of \$20 per day (8 hours) of unused time.

To be eligible for Termination Pay, an employee must submit appropriate notice of resignation (four (4) weeks for Department Heads, two (2) weeks for all other employees) and will be required to work their regular schedule during that time. Transitional Sick Leave may be used during this time with documentation from a Healthcare provider, as well as PTO that was scheduled (and approved) prior to submission of the resignation notice.

5.4 Transitional Sick Bank Policy approved 12-5-2016

### **5.5 Bereavement Time**

Harper County provides up to three (3) working days, (not more than 24 hours) off with pay to aid in coping with the loss of an "Immediate Family" member. Paid time off for bereavement is available from notification of death. Employees may, with their supervisor's approval, use PTO, or Transitional Sick Bank time for additional time off.

For the purpose of this section:

- a. **Immediate Family:** Employee shall be allowed three (3) days, (not more than 24 hours) leave with pay per funeral for the following family members: spouse, son/daughter (in-law), father (in-law), mother (in-law), brother (in-law), sister (in-law), grandparents, grandchildren, step-parents, step-children, stepsiblings, and the same relative of the spouse or any relative residing in the same household.

### **5.6 Military Leave.**

A Harper County employee who is a member of any Military Reserve component of United States Armed Forces will be allowed a leave of absence for required training or military duty. All military leave is unpaid.

The employee shall request military leave, in writing, in advance. A copy of the employee's military orders shall be submitted to the Department Head and attached to the written request for military leave. The request and orders will be forwarded to the Human Resources Office for inclusion in the employee's personnel file. Military orders shall be furnished prior to the absence.

An employee who takes military leave of two (2) weeks or less during a twelve (12) month period will be unpaid, but they will continue to accrue vacation and sick leave credit during the absence. If an employee is on military leave more than two (2) weeks duration, the employee will not earn vacation leave and sick leave for the absent period. An employee may choose to use accrued vacation leave for their annual active duty training but will not be required to do so.

If an employee desires to keep his/her life insurance and health insurance in effect during the military leave, the employee must make arrangements with Harper County Human Resources to pay the amount that is regularly deducted from the paycheck while on paid status. Harper County will continue to pay the County's share of payment for life and health insurance for an employee on military leave of two weeks or less.

An employee returning from military leave will be reinstated in accordance with the provisions of the Federal Uniform Services Employment and Re-Employment Rights Act of 1994 (USERRA) or the Kansas Military Leave Laws (K.S.A. 73-213, et seq). To be eligible for reinstatement an employee must give the County notice of intent to return within certain time limits as specified in those laws.

### **5.7 Civil Leave.**

All Regular Full-time and Regular Part-time employees shall be granted Civil Leave with pay when required to do any of the following:

- Perform jury duty.
- Appear in court as a witness by subpoena.
- Appear in court as a party in a civil law suit related to the performance of the employee's official duties with the County.
- Serve as a witness because of professional knowledge related to the employee's County position.
- Serve as a witness before equal opportunity or civil rights commission or bodies.
- Performing emergency civilian duty in connection with national defense, emergency preparedness operations, or as an emergency medical responder or volunteer fire fighter.

An employee granted civil leave for the purposes shown above shall receive full pay and benefits for the time absent from work provided the employee had been scheduled to work during the time missed. If the employee receives pay or fees for the jury duty or required appearances, that pay or fee shall be returned to the County. The employee may retain any amount paid for mileage expenses in traveling to and from the place of the jury duty or required appearance.

If an employee is involved in a personal court case as a party in a suit not resulting from duties with the County, the employee will not be granted Civil Leave with pay. Any absence from work in these cases shall be charged to the employee's accrued PTO or will be unpaid time off.

In the case of a volunteer fire fighter or emergency medical responder, the employee must be a trained volunteer. In each instance, granting of Civil Leave will be at the discretion of the Supervisor or Department Head. Leave expected to last 24 hours or more must be approved in advance by the Board of County Commissioners.

Civil Leave will be tracked on the employee's time sheet with a separate pay code. Department Heads must notify Human Resources or the Payroll Clerk if Civil Leave is being utilized.

Updated 9/28/2020

### **5.8 Curtailment of Service.**

The duty of all County officials and employees is to serve the public. There may be situations when it is determined those services can be minimized to protect the welfare of employees. Examples are inclement winter weather, power outages, etc.

Under any but the most extreme weather conditions which could cause utility outages, all County offices will be open and staffed to serve the public's need under the conditions then in effect. The Department Head may at their discretion release employees, who want to use vacation time or take leave without pay to leave work,

## **5.9 Family Medical Leave Act.**

Harper County is committed to compliance with the Family and Medical Leave Act of 1993 (FMLA). The purpose of this policy is to provide employees with a basic understanding of their rights and obligations under the FMLA.

### **General Information**

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. Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"; **or**
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

### **Eligibility**

An **eligible employee** is defined as an employee of Harper County who:

- Will have worked for the County for at least 12 months as of the date the FMLA leave is to start,
- Will have at least 1,250 hours of service for the County during the 12-month period immediately before the date the FMLA leave is to start, and
- Works at a location where the County employs at least 50 employees within 75 miles as of the date when the employee gives notice of the need for leave.

### **Calculation Method**

Harper County has elected to use a "**rolling 12-month**" method to define the leave year for FMLA. This means that available FMLA time is calculated by measuring backward from the date an employee's leave begins. (Each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 months).

### **Intermittent Leave**

Under certain circumstances, an employee is entitled to take FMLA leave on an intermittent or reduced schedule basis. In these circumstances, the employee must make a reasonable effort to schedule necessary appointments or treatments so as to not to unduly disrupt county operations.

An employee may take FMLA leave in periods of weeks, days, hours, and in some cases even less than an hour. When an employee takes leave for less than one full workweek, the amount of FMLA leave used is determined as a proportion of the employee's actual workweek. If an employee's schedule varies from week to week, a weekly average (calculated using the hours scheduled over the 12 months prior to the beginning of the leave, including PTO and Holidays) will be used to determine the employee's leave entitlement.

## **Holidays**

When a holiday falls during a week in which an employee will be absent for the whole week due to FMLA leave, then the entire week is counted as FMLA leave. However, when a holiday falls during a week when an employee is taking less than the full week of FMLA leave, the holiday is **not** counted, unless the employee was scheduled and expected to work on the holiday and used FMLA leave for that day.

## **Utilization of Paid Leave**

Available Paid Time Off (PTO) or Transitional Sick Bank hours will be utilized during FMLA leave. Once that benefit time is exhausted, the remaining FMLA leave will be unpaid.

Employees who have exhausted their paid leave time will be required to make arrangements with Human Resources to either pay their portion of benefit premiums out of pocket, or catch them up through payroll deductions when the employee returns to work. Catch up deductions will be limited to 4 pay periods.

If an employee does not have enough paid leave time accrued to cover their anticipated absence, they have the option to use it in smaller increments throughout their leave, to cover benefit premiums. This must be arranged with Human Resources in advance, and any paid leave remaining when the employee returns to work will be added to and paid out on the next paycheck.

## **Maintenance of Group Health Benefits**

During FMLA leave, the employee is entitled to the continuation of group health insurance coverage on the same terms as if he or she had continued to work, including the opportunity to participate in any changes, or new plan offerings.

The employee must continue to pay whatever share of group health plan premiums he or she paid prior to taking FMLA leave. If FMLA is being taken unpaid, the employee will be required to make arrangements for payment with Human Resources.

If an employee's premium payment is more than 30 days late, coverage may be terminated.

## **Reinstatement**

Employees returning from FMLA leave must be restored to the same job that they held when leave began, or to an "equivalent position" within the County. "Equivalent position" is defined as a job that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions (including shift and location).

Employees on FMLA leave are not, however, protected from actions that would have affected him or her if they were not on leave.

## **Record Keeping**

Required documentation will be maintained and kept separate from Employee files in the Human Resources Department.

## **Procedures**

Employees must notify their Department Head of the need for a leave of absence as far in advance as possible. This notice may be provided in written or verbal form.

***As soon as the Department Head or Supervisor has enough information to indicate that the employee's need for leave may be for an FMLA-qualifying reason, they should notify Human Resources.***

Human Resources may request additional documentation from the employee and his or her healthcare provider, to aid in determining eligibility. Failure to return requested information may result in the denial of FMLA protection.

Appropriate documentation of FMLA eligibility and designation, as required by the Department of Labor, will be processed and maintained by Human Resources.

Time allocated toward the allowed 12 weeks of FMLA will be tracked by Human Resources, with help from the Department Head, using payroll records.

Employees approved for FMLA due to their own serious health condition will be required to present documentation from their healthcare provider releasing them to work **prior to their first day/shift after their leave.**