

	P - § 19.0	Policy Name: Leave Program	Approved Date:
	Prepared By: Human Resources		Adopted Date:
	Amended Date: December 18, 2019, June 2, 2021		

## A. PURPOSE

The purpose of this policy is to establish clear, fair, and consistent guidelines for how employees can take time off from work and to ensure compliance with applicable labor laws.

## B. SCOPE

This policy applies to all benefits-eligible regular full-time employees. Part-time employees may be eligible for certain types of leave as outlined in the pertinent sections below.

## C. DEFINITIONS

Day of Leave or Day - A "day of leave", a "day", or "daily" shall equal the total hours scheduled per year divided by the number of days established for an employee's position and number of months worked in a year. This will not necessarily be the same amount an employee works on a given day. Unless otherwise noted, this definition applies to all leave policies.

Fiscal Year - 12 month budget year (July 1 to June 30).

FTE - Full Time Equivalency. Unit that measures an employee's workload and establishes full-time or part-time status.

Immediate Family- spouse or domestic partner, child (biological, adopted, step), parents (stepparents), sibling (biological, step or adopted), grandparents, grandchild, In-laws (mother-, father-, brother-, sister-, son-, or daughter-in-law).

Minimal Amount of Work- (FLSA Exempt)- The "de minimis doctrine" refers to small amounts of time worked that are difficult to track or record and may be excluded from compensable work time, under specific conditions. Examples include brief conversation, sending or responding to an email, etc.

Sick Leave Bank- shared pool of leave that can be used under specified criteria.

Workday - the hours between the beginning and end of a standard shift or business hours.

## **D. POLICY**

Regular and reliable attendance is an essential condition of employment and is critical to the effective operation of our organization. Employees are expected to report for work on time and as scheduled, except in cases of authorized leave or unforeseen emergencies.

The County encourages employees to focus on health and wellbeing and to support family and personal needs. The provisions detailed below are offered as benefit to employees to support employee well-being, work-life balance, and health. All paid leave must be requested and approved in accordance with policy. Abuse of leave or frequent unscheduled absences may result in discipline up to and including termination of employment.

## **E. GENERAL LEAVE GUIDELINES AND RESPONSIBILITIES**

1. Leave under the Family and Medical Leave Act (FMLA), Workers' Compensation, Sick Leave Bank, and Income Replacement Program is managed by the Department of Human Resources for compliance with privacy laws. All other leave is managed and administered by the employee's department with support from the Department of Human Resources.
2. Unless specifically stated, leave is used when an employee is absent from work, not as a means of additional compensation. Pay and leave for non-exempt employees are determined on a total workweek or work period basis, not a daily basis.
3. Leave is taken based on an employee's schedule. Due to fluctuations in the day of leave and the varying base hours of different positions throughout the County, leave may be taken at a different rate from the rate at which it was accrued.
4. Employees are expected to only take leave for which they have sufficient leave balances. "Leave without pay" (LWOP) is not a leave type, but instead is a consequence of having insufficient applicable leave. Applicable types of accrued leave will be used before an employee may take LWOP. The Department of Human Resources will establish County-wide rules for the order in which different types of leave are used for different types of absences.
5. Employees may not borrow against future leave accruals. Paid leave may only be taken when the employee has earned enough leave to cover the absence or when provided by established County programs/practices.
6. Employees are responsible for notifying their supervisors as far in advance as possible whenever they will be absent at least 30 minutes prior to their scheduled start time of unforeseeable delays and absences. Employees are responsible for following their department's applicable guidelines when making leave requests.
7. Employees are responsible for discussing workload/scheduling/coverage with their supervisors when they need to be absent from work for any period either as a block of time or intermittently.

8. Employees should contact the Department of Human Resources for extended use or use of special leave types which require additional approval/administration as outlined in this policy such as leave under the FMLA, leave without pay (or LWOP), leaves of absence (LOA), Workers' Compensation, or military leave. Also, supervisors should notify the Department of Human Resources if an employee is out of work and may require extended use or use of special leave types which require additional approval/administration.
9. The department head/designee may approve leave that an employee has available as provided in this leave policy. The department head/designee, to the best of their ability, should ensure that processes/procedures are in place to prevent employees from taking unapproved or not yet accrued leave. Employees are responsible for being aware of their leave balances and usage and requesting leave use appropriately.
10. Any missed work that is not approved or foreseeable absences that are not requested in a timely manner may result in required leave use, denial of leave use, loss of pay, and/or disciplinary action. Failure to give proper notice or abuse of any of these policies may lead to disciplinary action.
11. Signs of leave abuse or excessive absenteeism will be examined, including looking at patterns such as Friday/Monday absences and/or frequency of occurrences. The Department of Human Resources staff shall provide guidance on initiating an investigation and any disciplinary action to be taken.
12. Employees must receive prior authorization to work with an outside entity while on paid or unpaid leave pursuant to § P-07, Code of Ethics and Conflict of Interest (Outside Employment).
13. It will remain the right of the department head/designee to:
  - Authorize or refuse to authorize the advance request of annual leave, Comp time leave, and recognition leave.
  - Deny leave for absences in violation of any County policy, except for those leave types under Human Resources administration.
  - Impose appropriate disciplinary action upon employees who have been found by the department head/designee to have abused their leave privileges and/or violated the provisions of this policy.
14. The County Executive/designee may issue emergency regulations regarding employee work hours, absences, and leave usage in the event of a declared state of emergency, pandemic, or other crisis affecting the County's ability to operate under normal policies and procedures.
15. Employees who are placed on administrative leave without pay for disciplinary reasons or other administrative reasons may not use other types of leave concurrently without permission from the Director of Human Resources/designee.
16. Employees changing County positions and/or departments without breaks in service shall maintain accrued leave and accrual rates in accordance with policy.
17. Although non-benefits-eligible employees are ineligible for some of the leave programs in this policy, they are required to follow procedures for requesting time off, recording time worked, and acceptable attendance. When flex time is not approved, these employees will be docked pay in accordance with Policy § P-18 Pay Administration, when applicable, due to a lack of accrued paid leave.

## **F. ACCEPTABLE ATTENDANCE STANDARDS**

Generally, an employee's attendance is unacceptable when an employee is frequently tardy in reporting for work, demonstrates a pattern of being unavailable or unresponsive during business hours when working remotely, or excessive unscheduled absences, generally defined as ten or more occurrences of sick leave within a 12-month period, excluding approved leave under FMLA or other documents, catastrophic medical events.

## **G. LEAVE USAGE**

### **Exempt Employees**

- a. **Increments** - Employees who are exempt from overtime provisions under the Fair Labor Standards Act (FLSA) (exempt employees) shall take leave in full-day increments. Multiple leave codes can be used to total the full-day increment. The exception will be FML which by law requires the County to allow leave to be used in the smallest increment (15 minutes) used in any other type of leave such as sick leave.
- b. **Work Expectations** - An exempt employee is expected to maintain a workload requiring an average of 40 hours per week, at minimum. When an exempt employee uses leave, the supervisor must make every effort to not contact the employee about work. However, there may be occasions when the employee may need to respond to an emergency. An exempt employee who performs a minimal amount of work shall still use a day of leave. If more than a minimal amount of work is performed, the employee should work with their supervisor to flex the time on a later date or not take the day as leave.
- c. **Flex Time** – Supervisors may approve exempt employees to work alternative schedules in lieu of using leave or in recognition of work above and beyond the employee's regular schedule. Time may be flexed outside of the workweek or work period for exempt employees.

### **Non-Exempt Employees**

- a. **Increments** - Employees who are eligible for overtime under FLSA shall record leave in 15-minute increments.
- b. **Work Expectations** – A non-exempt employee is prohibited from performing any work while using leave. Permission to work while out must be granted by the supervisor in advance and must be recorded as compensable time instead of leave.
- c. **Flex Time** – Supervisors may approve non-exempt employees to work alternative schedules in lieu of using leave within the same workweek or work period. Pay and leave are determined on a total workweek or work period basis. Leave will only be used to supplement an employee's total weekly hours when the hours worked are less than their base hours. For example, if an employee misses two (2) hours of work for a doctor's appointment but works two (2) additional hours in the workweek with the supervisor's permission, no sick leave would be taken that week.

- d. Special Flex Time Rules For Certain Public Safety Employees – Non-exempt employees who qualify for the public safety exemption may request flex time in lieu of leave use prior to the use of such leave. When these employees are in a paid status, all such time is considered time worked as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.).

## **H. LEAVE TYPES & PROCEDURES**

### **1. Administrative Leave**

Administrative leave may be granted or required on a case-by-case basis, such as for investigations, suspensions, releases from work for safety, or recognition of service. Administrative leave may be paid or unpaid as appropriate. Administrative leave may only be utilized with authorization from Human Resources.

### **2. Annual Leave**

#### **a. Accrual Rates**

Benefits-eligible employees will begin to accrue annual leave based on the employee's hire date of regular, continuous employment. Employees accrue annual leave monthly in an amount based on the employee's full years of service at the time of distribution as follows:

Years of Experience	Hours Accrued
0 -5 Years	1 day per month
6-10 Years	1.25 days per month
11-15 Years	1.5 days per month
16-20 Years	1.75 days per month
21-25 Years	2 days per month
26+ Years	2.25 days per month

With the approval of the Director of Human Resources/designee, an employee's annual accrual rate may be negotiated at a rate other than the rate determined by years of service, and/or an employee may be granted a negotiated amount of additional leave.

#### **b. Accumulation Maximum Cap**

The annual leave balance maximum cap is 320 hours for employees. Partner Agency employees working for Constitutional Officers have a maximum cap of 6 weeks (240 hours or a fraction thereof for part-time employees) pursuant to state law, unless an agreement between the Constitutional Officer and the County includes such employees under this policy. If such an agreement exists, then employees of Constitutional Officers shall have an annual leave maximum cap of 320 hours.

### **c. Use of Annual Leave**

1. An employee is required to obtain their supervisor's approval prior to taking annual leave. Annual leave usage is granted at the discretion of the department management.
2. Requests to use annual leave and approvals should be submitted through the timekeeping system. All requests should be made as far in advance as possible. Employees will refer to department-specific requirements and procedures.
4. The department head/designee must consider the workload and impact of leave on the County's service delivery when approving or denying annual leave requests, but must reasonably accommodate annual leave requests as staffing permits.
5. An employee has the right to request and receive an explanation for the denial of an annual leave request.
6. To sustain wellbeing and work-life balance, non-probationary employees are strongly encouraged to take five (5) consecutive days of annual leave per year.
7. Department heads/designees shall not approve more than three (3) consecutive weeks of paid annual leave. Any annual leave requested by an employee beyond three (3) weeks must be approved by the County Executive/designee.

### **d. Conversion of Unused Annual Leave**

At the end of the employee's birth month each year, any annual leave balance that is above the maximum accumulation cap will be donated to the County Sick Leave Bank. The employee need not be a member of the Sick Leave Bank.

### **e. Payout of Annual Leave**

Payout of annual leave only occurs in the following situations:

Upon separation of employment from a benefits- eligible position, remaining annual leave, up to the maximum cap, will be paid at the employee's current hourly rate.

## **3. Bereavement Leave**

### **a. Bereavement Leave Days and Use**

In the event of the death of a member of an employee's immediate family, a benefits- eligible employee may use up to three (3) days of paid bereavement leave per occurrence. If additional leave is needed or it is not an immediate family member, the employee must use annual leave or leave without pay (LWOP). Bereavement leave is not required to be taken on consecutive workdays, but must be taken within 90 days of the loss.

Appropriate documentation justifying the use of bereavement leave may be required. The misrepresentation of facts as to the event of the death in question (e.g., the identity of the deceased, time and place of last rites, etc.,) may result in disciplinary action.

**b. Extraordinary Circumstances**

In the event of extraordinary circumstances, such as the death of a current colleague, the department head/designee may allow employees to attend services with approval from the County Executive/designee, so long as it does not cause an undue hardship on the department. Administrative leave with pay would be used in this situation for any regular employee.

**4. Bone Marrow or Organ Donation Leave**

**a. Eligibility**

To be eligible for leave under this policy, employees must meet all of the following requirements:

- Have worked at least twelve (12) months for Albemarle County;
- Have worked at least 1,250 hours for Albemarle County over the twelve months preceding the date the leave would commence;
- Organ donation leave will not impact an employee's ability to take FMLA leave within the same year;
- Organ donation leave is separate from FMLA and cannot run concurrently with FML.

**b. Reasons and Amount of Leave**

The County will provide eligible employees with:

- Up to 60 business days of unpaid organ donation leave in any 12-month period to serve as an organ donor and;
- Up to 30 business days of unpaid organ donation leave to any 12-month period to serve as a bone marrow donor.

**c. Employee Notice Requirement**

All employees requesting Bone Marrow or Organ Donation leave must provide verbal or written notice of the need for leave to Human Resources.

When the need is foreseeable, the employee must provide at least 30-days' notice.

**d. Designation of Leave**

Within five (5) business days after the employee has submitted the required certification or other documentation, and leave is approved, the HR Benefits Team will Complete and provide the employee with a written response to the employee's request for Bone Marrow and Organ Donation leave.

## **e. Additional County Responsibilities**

The Code of Virginia requires the County to restore the employee's position following the leave, prohibited from treating organ donation leave as a break in employees continuous service for purposes of the employee's right to salary adjustments, sick leave, annual leave, seniority, or other employee benefits. The County is prohibited from taking retaliatory action against the employee for taking the leave.

### **5. Building Closure Leave**

Paid leave and unpaid leave due to inclement weather and other County emergencies are addressed in §P-12.0 Coverage Due to Inclement Weather.

### **6. Compensatory Time Leave**

Non-exempt employees are eligible to earn Compensatory Leave. Please refer to § P-18, Pay Administration Policy, for information on compensatory time leave as it is earned for overtime hours worked.

- Compensatory Time Leave is earned at a rate of one and one half (1 ½) hours of leave per one (1) hour of overtime worked.
- Employees on the public safety pay scale (Police and Fire Rescue) may earn and carryover into the new fiscal year up to 240 hours.
- Sheriff's Office personnel on the step scale may earn and carryover into the new fiscal year, up to 100 hours.
- All other employees may earn up to 80 hours, which must be used by June 30<sup>th</sup> each year and will not carry over into the new fiscal year.
- Accrued compensatory time leave may be used for any leave purpose. However, classified, non-exempt employees are required to arrange use of compensatory time leave in advance with their supervisors.

### **7. Court Duty**

The County recognizes the duty of employees to appear before a court of law when summoned or subpoenaed. Refer to § P-18, Pay Administration Policy, for information on when an employee's appearance in court is considered compensable work time.

- a. The County provides unpaid court duty leave for employees consistent with Virginia Code § 18.2-465.1.
  - Employees are expected to notify their supervisors in as far in advance as possible prior to using court duty leave. Supervisors may require verification that an employee has been called for court duty.
  - Court duty leave does not apply to any employee who is the defendant in a criminal case for which the employee is summoned or subpoenaed.



- b. Employees who are summoned or subpoenaed to appear, except as defendants in criminal cases, in court proceedings which take place during their scheduled hours may use accrued leave as applicable.

## **8. Election Official Leave (Polling Leave)**

Albemarle County offers unpaid Election Official Leave employees consistent with Virginia Code § 24.2-100, et. seq.

- Any employee who serves as an officer of election (defined under Virginia Code § 24.2-101) shall not have any adverse personnel action taken against them for such service provided. An employee is not required to use accrued paid leave to serve as an Officer of Elections.
- An employee must give reasonable notice to their supervisor and comply with established procedures when they need to take time off to serve as an officer of election.
- Hours worked as an officer of election shall not be counted as “hours worked” for purposes of overtime compensation.
- Employees who serve as officers of election for any locality are eligible for Election Official Leave.
- Employees are also eligible for any standard stipend that may be provided by an Electoral Board.
- Employees who work for an elected official, the Electoral Board, or General Registrar are not eligible for Election Official Leave.
- Employees who work four (4) or more hours as an officer of election, including travel time, are not required to report for work and will be granted polling leave.

## **9. Emergency Leave**

The department head or their designee may grant up to two (2) days of emergency leave without loss of pay to all classified and administrative employees during the fiscal year. These days do not carry over or accrue year to year.

Examples of circumstances for which emergency leave may be granted include but are not limited to:

1. A disaster affecting the home or residence of the employee or his family.
2. Other urgent or emergency situations arising out of natural or man-made disasters.

Emergency Leave is not intended and may not be used for absences covered by other types of Leave, such as Sick Leave, Sick Bank Leave, Family & Medical Leave, Military Leave or Court/Jury Duty Leave. In addition, Emergency Leave is not intended and may not be used as a substitute if other types of leave have been exhausted.

**10. Employee Recognition Leave**

Paid leave may be awarded to regular employees as recognition for extraordinary achievements and contributions to the County beyond the normal scope and functions of their position including through the Employee Recognition Program.

**11. Family Medical Leave Act – see § P- 20 FMLA Leave Policy**

**12. Holiday Leave**

**a. Holidays Observed**

The County has established the following holiday schedule for County employees. Other holidays are granted by special resolution of the Board of Supervisors.

1. New Year's Day
  2. Martin Luther King, Jr. Day
  3. Memorial Day
  4. Juneteenth
  5. Independence Day
  6. Labor Day
  7. Veteran's Day
  8. Half Day before Thanksgiving – 4 hours
  9. Thanksgiving Day
  10. Day after Thanksgiving
  11. Christmas Eve
  12. Christmas Day
  13. Employee's Birthday- Floating
- Employees may choose to use the Birthday floating holiday, with supervisor approval, on any day within the fiscal year.
  - The Birthday floating holiday will be relinquished on June 30<sup>th</sup> each year if unused. The Birthday floating holiday has no cash value.

Under certain situations, due to coverage requirements, the holiday schedule for some departments or groups of employees within departments may fall on alternative dates within the fiscal year. Departments in these situations must receive the Director of Human Resources/designee's approval for the establishment of these alternative holiday schedules.

## **b. Qualifying for Holiday Leave**

1. Benefits-eligible employees are granted 12 and a half (12.5) paid days of holiday leave per fiscal year. Employees are eligible for holiday leave as soon as they begin working. New employees must work the day before a holiday to qualify for holiday leave.
2. Employees who are separating employment with the County will not qualify for holiday leave unless they work a full day after the holiday. If a holiday falls on the last day of the month or week, holiday leave may be granted by the department head/designee for retiring employees.
3. For non-separating employees, approved paid leave may be used in lieu of working following a holiday.
4. If a holiday falls within the employee's scheduled annual leave, holiday leave shall be used in lieu of annual leave.

## **c. Working on Holidays**

1. While dates for observing holidays are established annually, due to coverage requirements, some employees may be required to work on a holiday. Any non-exempt, benefits-eligible, employee who is required by the department head/designee to work on a holiday which is observed by the County shall:
  - a. Be paid the regular hourly rate for the hours worked on the holiday plus the hours normally granted for the holiday; or
  - b. Take another day in the workweek as holiday leave, including days in the workweek before the established holiday.
2. Exempt employees who work on a holiday may take the holiday on another day approved by the supervisor within the fiscal year.
3. Alternative Work Schedules: A "day of holiday leave" is equivalent to a "day of leave" as defined in section I(B), above. Employees are responsible for discussing the impact of holiday leave on their alternative work schedules with supervisors. Employees are responsible for making up any hourly difference between the hours granted for the holiday and the employees' work schedule by either using additional applicable leave or working at another time during the workweek or work period. Fire Rescue employees on 12- or 24-hour shifts will receive 12 hours of a "day of holiday leave" regardless of their "day of leave" status.

**Example:** A non-exempt employee's day of leave is 8 hours/day and the employee's position are established at 8 hours/day, 5 days/week for a total of 40 hours/week. The employee has an alternative work schedule of 10 hours/day, 4 days/week for a total of 40/hours per week. Eight (8) hours of holiday leave would be granted and the employee must account for the

remaining 2 hours by working 2 additional hours within that workweek or using 2 hours of compensatory time leave or annual leave.

**d. Half-day Holidays**

Any non-exempt employee who receives approval not to work the other half of the day is responsible for taking compensatory time leave, annual leave, leave without pay, or arranging with their supervisor to work those hours within the workweek. An exempt employee who doesn't work on the half-day must obtain prior approval from their supervisor.

**e. Religious Holidays**

Any regular or temporary employee observing a religious holiday occurring on the employee's workday may request time off. Supervisors should allow employees to take time off for such occasions if the time off can be accommodated without undue hardship for the department. Leave must be requested in advance in accordance with policy. Supervisors shall contact the Department of Human Resources prior to denying religious holiday leave requests. Applicable accrued leave shall be used. Leave without pay will be considered in the absence of accrued leave.

**13. Income Replacement Program (IRP) – VRS Hybrid Plan members only**

**a. Purpose**

Effective January 1, 2014, the Virginia Retirement System (VRS) created a new retirement plan called the Hybrid Plan. Part of the VRS Hybrid Plan includes the implementation of a Disability Program for Hybrid Retirement Program Participants. Albemarle County refers to this program as the Income Replacement Program (IRP). The IRP contains two components: Short-Term Disability (STD) and Long-Term Disability (LTD), which contain different eligibility requirements. IRP-STD occurs first. If an employee is not able to return to work after the IRP-STD period, they may move into the IRP-LTD portion of the benefit. These programs are outlined below.

This section is intended to fully implement the Disability Program for Hybrid Retirement Program Participants pursuant to Virginia Code § 51.1-1150, et seq. Any variation between this policy and the Virginia Code will be determined in favor of the Virginia Code.

**b. Definitions**

**Catastrophic Condition:**

A catastrophic condition exists when an employee is unable to perform at least two (2) of the following six (6) activities of daily living:

1. Bathing
2. Transferring, such as getting in and out of bed
3. Dressing
4. Toileting (using the bathroom)

5. Continence
6. Eating (ability to feed oneself)

A condition may also be considered catastrophic if the employee has a severe cognitive impairment requiring substantial supervision to protect the employee from threats to health and safety.

Major Chronic Condition:

A major chronic condition is a life-threatening health condition that exists over a prolonged period of time and is not expected to improve. The employee must have been disabled with the condition within six (6) months of the date the claim is filed and be under the care of a licensed treating health care professional for the condition.

Disability:

A condition that prevents an employee from working or performing the full duties of the employee's job for a short or extended period. It may be non-work-related or work related. A work-related disability is the result of an occupational illness or injury that occurs on the job and the cause is determined to be compensable under the Virginia Workers' Compensation Act.

Partial Disability:

An employee has a partial disability if the disability exists during the first 24 months following the occurrence or commencement of an illness or injury when an employee is earning less than 80% of their pre-disability earnings and, as a result of an injury or illness, is (i) able to perform one or more, but not all, of the essential job functions of his own job on an active employment or a part-time basis; or (ii) able to perform all of the essential Job functions of his own job only on a part-time basis.

**c. IRP Third-Party Administrator**

The IRP program is administered through a Third-Party Administrator. The Third-Party Administrator handles all employee claims after detailed consultation with the Department of Human Resources designee for IRP. Any variation between this policy and the Third-Party Administrator's interpretation of the Virginia Code will be determined in favor of the Third-Party Administrator.

**d. Qualifying for Income Replacement Program – Short-Term Disability (IRP-STD)**

- An employee must be an active full-time VRS Hybrid Plan member to be eligible.
- Waiting Period – Employees must be employed for one (1) continuous year of service as an active Hybrid Plan member with a single employer before receiving nonwork-related disability benefits. The Albemarle County Public Schools and Partner Agencies, which have different VRS employer codes from the County, are considered separate employers for the purposes of this benefit. If, for example, a County employee transfers to the Albemarle County Public Schools, the one (1)-year waiting period will begin again. This waiting period is waived for a work-related disability. For work-related disabilities, the effective date of participation in the

program for participating employees shall be their first day of employment or the effective date of their participation in the VRS Hybrid Plan, whichever is later.

- **Elimination Period** – The elimination period is the period after any required waiting period and when an eligible employee is unable to work more than twenty (20) hours over seven (7) consecutive calendar days due to their total or partial disability. To begin an elimination period, an employee must have an approved claim of total or partial disability.
  1. The elimination period is waived for a catastrophic condition or as the result of a major chronic condition.
  2. The elimination period requirement may be met during non-contract/non-scheduled days (i.e. over holidays).
- IRP-STD runs concurrently with any other relevant benefits, including FMLA leave and Workers' Compensation. Receipt of other relevant benefits may offset IRP-STD benefits.
- Once the waiting period and elimination period requirements have been met, Hybrid Plan members are eligible for the IRP-STD benefit. However, the IRP-STD benefit is only available when an employee would be actively working (i.e., during contract/scheduled workdays).
- IRP-STD benefits shall be payable for periods of:
  1. total disability,
  2. partial disability,
  3. eligible maternity leave, or
  4. periodic absences due to a major chronic condition

**e. IRP-STD Benefit Amount**

- IRP-STD – Days of Income Replacement

The following charts show the number of days at the percentage of income replacement provided by the IRP-STD.

**1. Days of Income Replacement: Non-Work-Related Disability**

<b>Months of Continuous Service</b>	<b>Workdays at 100%</b>	<b>Workdays at 80%</b>	<b>Workdays at 60%</b>	<b>Total Short-Term Paid Days</b>
<b>0 – 12</b>	0	0	0	0
<b>13 – 59</b>	0	0	125	125
<b>60 – 119</b>	25	25	75	125
<b>120 - 179</b>	25	50	50	125
<b>180 or more</b>	25	75	25	125

## 2. Days of Income Replacement: Work-Related Disability

Months of Continuous Service	Workdays at 100%	Workdays at 80%	Workdays at 60%	Total Short-Term Paid Days
Less than 60	0	0	125	125
60 – 119	85	25	15	125
120 or more	85	40	0	125

- Successive Periods of Short-Term Disability
  1. Within 45 consecutive calendar days. If an employee receiving IRP-STD returns to work with a release and then cannot continue to work for the same or a similar condition within 45 consecutive calendar days, the employee will be on the same IRP-STD claim. The employee does not have to fulfill another seven (7)-calendar day elimination period. The employee's IRP payment will resume at the level they were receiving during the previous disability period. The number of days remaining on the 125-workday period for IRP-STD will also resume.
  2. On or After 45 consecutive calendar days. If an employee returns to work with a release and then cannot continue to work for the same or a similar condition on or after the 45<sup>th</sup> consecutive calendar day, the subsequent period will be considered a new claim. The employee will need to satisfy a new elimination period. If approved, the employee will have up to 125 workdays of IRP-STD.

- Partial Disability

If an employee is able to work, earnings from the employee's job during a period of IRP-STD for an eligible partial disability will offset the IRP-STD benefits. The IRP-STD benefits will be applied to the non-worked time.

- Catastrophic Condition

If an employee is eligible to receive/is receiving 60% of pre-disability creditable compensation and is determined to have a catastrophic condition, the IRP-STD benefit will increase to 80% until their condition improves and is no longer considered catastrophic.

- IRP-STD and Workers' Compensation

If an employee is eligible for compensable Workers' Compensation and IRP-STD, the Workers' Compensation benefit will be paid first; if the employee is to receive any additional compensation under the IRP-STD days chart, the IRP-STD benefit will further supplement.

**f. IRP-STD Supplementing Benefit Amount**

- Employees must use current balances of sick, annual, and compensatory time leave to supplement IRP benefits up to 100% of the employee's pre-disability credible compensation.
- The total leave hours (IRP plus supplement) shall not exceed the employee's normally scheduled work hours (full creditable compensation amount).
- Participating employees enrolled in the Virginia Retirement System (VRS) Hybrid Plan may not withdraw days from the Sick Leave Bank when the employee receives benefits pursuant to this program or has received benefits pursuant to this program for the same condition.

**g. IRP-STD Effect on Benefits**

- Employees on IRP-STD will continue to receive the same benefits provided to active employees. Medical and dental insurance will continue to be available while on IRP-STD.
- Life insurance through VRS paid for by the County will continue to be paid by the County.
- Employees will continue to contribute their mandatory 5% VRS contributions while on IRP-STD. Retirement contributions will not be withheld from the employee's paycheck if an employee is only receiving Workers' Compensation and no supplemental pay. An employee may be eligible to purchase VRS service credit for the period if they are receiving only Workers' Compensation and retirement contributions are not being withheld from their Workers' Compensation payment.

**h. Qualifying for Income Replacement Program – Long-Term Disability (IRP-LTD)**

- If an employee is unable to return to work after the IRP-STD period, a final interactive discussion on the likelihood of return and any additional reasonable accommodations that may help the employee reach full duty will occur. The employee will continue into the IRP-LTD period. If the employee is unlikely to return to full duty following the IRP-STD period and no additional reasonable accommodations are available to bring the employee back to full duty, the employee's position will no longer be held and the employee will no longer be considered an active employee and will be separated from service. The IRP-LTD benefit will continue in accordance with the terms outlined below and Virginia Code.
- The IRP-LTD benefit runs concurrently with any other relevant benefits, including FMLA leave and Workers' Compensation.
- Employee eligibility for the IRP-LTD benefit is only available when an employee would be actively working (i.e., during contract/scheduled days).



- IRP-LTD benefits shall be payable during periods of:
  1. total disability, or
  2. partial disability

**i. IRP-LTD Benefit Amount**

- IRP-LTD Amount
  1. After short-term disability income replacement, if the employee continues to be disabled they may be approved for IRP-LTD.
  2. This is insurance coverage providing 60% of the employee's pre-disability creditable compensation.
  3. Unless otherwise directed, to be eligible for IRP-LTD benefits, the employee must apply for Social Security Disability Insurance (SSDI) benefits or other relevant retirement benefits available to them.
  4. If the employee reaches normal retirement age while on IRP-LTD, their benefit will stop. Normal retirement age is defined under the Hybrid Retirement Plan.
  5. Employees continue to accrue VRS service credit while on long-term disability income replacement.
- Successive Periods of Long-Term Disability
  1. Within 125 consecutive workdays. If an employee receives IRP-LTD, returns to work with a release, and then cannot continue to work for the same or a similar condition within 125 consecutive workdays, the employee will be on the same IRP-LTD claim. Workdays arranged pursuant to vocational, rehabilitation, or return-to-work programs shall not be counted in determining the duration of the employee's return to work period.
  2. On or After 125 consecutive workdays. If an employee returns to work with a release and then cannot continue to work for the same or a similar condition on or after 125 consecutive workdays, the subsequent period will be considered a new claim for IRP-LTD if still actively employed by the County. The employee will need to satisfy a new elimination period and if approved, will have up to 125 workdays of IRP-LTD before becoming eligible for IRP-LTD again.
- Partial Disability

If an employee is able to work, earnings from an employee's job during a period of IRP-LTD for an eligible partial disability will offset the amount of their IRP-LTD benefit.

- Catastrophic Condition

If an employee is receiving 60% of pre-disability creditable compensation and is determined to have a catastrophic condition, the IRP-LTD benefit will increase to 80% until their condition improves and is no longer considered catastrophic.

**j. IRP-LTD Effect on Benefits**

- Life insurance through VRS paid for by the County will continue to be paid by the County.
- Employees on IRP-LTD will receive medical and dental insurance coverage as provided to retirees.
- Employees on IRP-LTD are not eligible to contribute to their VRS defined benefit component (4%) or their VRS defined contribution component (1%).
- Employees on IRP-LTD will be considered inactive for benefit purposes and will not continue to accrue leave. Employees will be responsible for any applicable employee contributions to their benefits during this period.

**k. Returning to Work After Illness**

- An employee must submit a medical release prior to or upon the employee's return to work. The release must be from and signed by the employee's health care provider certifying that they are able to return to work with or without restrictions.
- Other return to work guidelines apply to leave taken concurrently under FMLA or Workers' Compensation. Supervisors should consult with the Department of Human Resources when an employee is on concurrent leave under FMLA or Workers' Compensation prior to requesting a medical release or other information.
- If a supervisor offers restricted duty or other alternative schedule arrangements which the employee is medically able to perform, the employee must return to work in that capacity.

**l. End of IRP Benefit Coverage**

- Disability benefits shall cease to be paid to a participating employee upon the first of the following to occur:
  1. The end of the period of disability coverage (e.g., return to work or no longer totally or partially disabled);
  2. Voluntary separation or just cause termination from covered employment;
  3. The date of death of the participating employee;

4. The date that the participating employee attains normal retirement age;
  5. The effective date of the participating full-time employee's service retirement under the Hybrid Retirement Program;
  6. Employee is determined to be no longer medically eligible;
  7. Employee takes a refund of their member contributions and interest in the defined benefit component of their plan; or
  8. Employee does not cooperate or comply with the requirements of the IRP-LTD.
- Maximum Length of the IRP Benefit at Age 60 or Older

If an employee is age 60 or older, they will be eligible for an IRP benefit according to the following schedule:

Age 60 – 64	Five (5) years from the date disability benefit begins
Age 65 – 68	Until age 70
Age 69 or older	One (1) year from the date disability benefit begins

#### **14. Jury Duty Leave**

##### **a. Eligibility**

The County provides paid jury duty leave for benefits-eligible employees and unpaid jury duty leave for benefits-ineligible employees consistent with Virginia Code § 18.2-465.1. Employees are expected to notify their supervisors as far in advance as possible prior to using jury duty leave. Supervisors may require verification that an employee has been called for jury duty.

##### **b. Expectations**

1. Employees may retain payment from the court for the daily rate of pay for each day of jury service in addition to jury duty leave provided by the County.
2. Employees are expected to report to work when jury is not in session, except: If an employee has already been summoned for four (4) or more hours of jury duty, including travel time, on that day, the employee is not required to report to work and will be granted jury duty leave.

**15. Leave as a Reasonable Accommodation**

Leave may be provided or used as a reasonable accommodation pursuant to the Americans with Disabilities Act, Title VII of the Civil Rights Act, or any other relevant statute. Leave granted as a reasonable accommodation will be considered on a case-by-case basis, may run in concert with other reasonable accommodations, and/or may run concurrently with other available leave.

**16. Military Leave - see § P – 21 Military Leave Policy**

**17. Parental Leave**

Effective January 1, 2026, beginning on the date of a child's birth or adoption, non-probationary employees are eligible for up to six (6) weeks of paid Parental Leave as the parent or legal guardian of the child. Employees must notify their supervisor as early as practicable that they may qualify for Parental Leave and whether they wish to take part or all of the time off. Employees are required to submit evidence of birth and parental status or court documents appointing guardianship to Human Resources within two (2) weeks of the event. Parental Leave cannot be delayed or deferred, nor taken intermittently. If an employee qualifies for FMLA leave, IRP, or any other benefit program, the Parental Leave will run concurrently.

**18. Sick Leave**

**a. Purpose**

The County recognizes that its employees may need time away from work due to personal health-related matters, health-related matters in their immediate families, and/or health-related appointments. The County provides a program of paid leave to benefits-eligible employees to cover such circumstances. Employees should schedule appointments and other health-related matters outside of regular work hours whenever possible to minimize the impact on the efficient operation and delivery of services to the public.

- Sick leave is for legitimate health-related matters and may run concurrently with other leave programs available by County policy.
- Other types of accrued leave may be used in lieu of sick leave when sick leave has been exhausted, but sick leave may not be used in lieu of other types of leave unless specifically stated in a policy.
- An employee who is unable to return to work due to their own or an immediate family member's health-related matter may be separated from employment, subject to applicable law, regardless of the employee's sick leave balance.
- Accrued sick leave is not paid out upon termination. It has no cash value and may not be exchanged for pay.
- Employees who have breaks in service and are rehired will begin with zero balances.
- Employees changing to benefits-ineligible status will have their sick leave balances deactivated and leave will not accrue. In the event that they become benefits-

eligible again without breaks in service, the sick leave balances will be re-activated for use and accrual will resume.

**b. Accrual Rates**

Employees accrue sick leave at the rate of one (1) “day” per month worked based on the employee’s day of leave at the time of distribution.

**c. Accumulation Maximum Cap**

1. There is no maximum cap on sick leave for employees not enrolled in the Virginia Retirement System (VRS) Hybrid Plan.
2. Employees enrolled in the VRS Hybrid Plan shall have a maximum cap of 720 hours.
3. Any employee who becomes eligible for the VRS Hybrid Plan may retain any accrued sick leave prior to the change, even if it exceeds the maximum cap. However, the employee will not accrue sick leave until the balance is below the maximum cap and then will only accrue to the maximum cap.

**d. Sick Leave Use**

1. Sick leave may be used by employees for personal health-related matters, health-related matters in an employee’s immediate family, an employee’s health-related appointment, or health-related appointments in an employee’s immediate family.
2. Sick leave may run concurrently as paid leave with other types of leave as appropriate/applicable (e.g., FMLA leave, income replacement, and Workers’ Compensation).
3. An employee who has a sick leave absence in excess of three consecutive workdays must provide medical documentation to Human Resources for the absence.

**e. Medical Verification/Returning to Work**

1. The County reserves the right to seek medical verification (i.e., a doctor’s note) and medical clearance for sick leave used by the employee or immediate family member at any time.
2. When an employee has been absent for their own medical issue, a supervisor may require that an employee submit to Human Resources a medical release from the treating health care provider certifying that they are well enough to return to work. Requests to provide a medical release should be made prior to the employee’s return, when possible, so that the employee may obtain the medical release in a timely manner. If requested, an employee must provide the requested medical release to Human Resources within three (3) business days of the request or upon return to work, whichever comes later.

3. Supervisors may neither solicit information about the employee's underlying medical condition nor contact the employee's health care provider. If additional information is needed, the supervisor should contact the Department of Human Resources.

4. Other return-to-work guidelines apply to FMLA, Workers' Compensation, Sick Leave Bank, and IRP-STD. Supervisors should consult with the Department of Human Resources when an employee is on these types of leave prior to requesting a medical release or other information.

5. If a supervisor offers restricted duty or other alternative schedule arrangements which the employee is medically able to perform, the employee must return to work in that capacity.

## **19. Sick Leave Bank**

### **a. Purpose**

The County authorizes the creation and maintenance of the Sick Leave Bank to be used when a participating employee becomes incapacitated by extended illness or injury (defined as more than 20 workdays).

### **b. Administration of the Sick Leave Bank**

The Director of Human Resources/designee is designated as the administrator of the Sick Leave Bank. Members of the Sick Leave Bank will be assessed one (1) additional day of sick leave at such time as the Sick Leave Bank is depleted to 1000 hours, unless they choose not to participate further in the Sick Leave Bank.

### **c. Employee Membership in the Sick Leave Bank**

Membership in the Sick Leave Bank is voluntary and open to all benefits-eligible employees.

An eligible employee may enroll within the first 30 calendar days of employment by donating one (1) day of sick leave. An employee who does not enroll when first eligible may do so during any subsequent Benefits Open Enrollment. One (1) additional day may be requested for continued membership in the Sick Leave Bank whenever an assessment is required. The donated days of leave will be deducted from the donor's accrued sick leave balance. Members who have no sick leave to contribute at the time of assessment will be assessed one (1) day at the next available accrual.

### **d. Requesting Use of Sick Leave Bank**

1. Requests for use of leave time from the Sick Leave Bank must be made in writing by the member or their representative prior to use of any Sick Leave Bank leave. Requests cannot be applied retroactively except in the case of absences that were presumed to be covered by Workers' Compensation but were subsequently denied.

2. Requests must be supported by appropriate medical documentation. The Department of Human Resources may require additional medical documentation to support the request. Failure to meet applicable requirements set forth in this policy will result in the denial of the member's Sick Leave Bank usage request.

**e. Rules for Use**

***General Information***

- a. For initial use of the Sick Leave Bank, a member of the Sick Leave Bank must miss scheduled work equivalent to 20 days of leave within 30 workdays for the same illness, injury, impairment, or physical or mental condition, and the member must also have exhausted all of their own sick leave. Members are responsible for using other available paid or unpaid leave for time not covered by the Sick Leave Bank.
- b. Eligible members may take a maximum of 45 days of leave from the Sick Leave Bank in any year (defined as a 365-day period beginning with the first day of Sick Leave Bank usage). For example, if an eligible member begins Sick Leave Bank usage on March 1<sup>st</sup>, they may take up to 45 days of leave from the Sick Leave Bank in the following 365-day period.
- c. Days drawn from the Sick Leave Bank for any one (1) period of eligibility must be consecutive, except recurrence or relapse of the original illness will be covered fully on a continuing basis up to the annual maximum of 45 days. There may be more than one period of eligibility (or qualifying illness) during the 365-day period, but only a maximum of 45 days total of Sick Leave Bank leave may be used in the 365-day period. Once a member has used all 45 days of Sick Leave Bank leave, they must return to work and must meet the requirements of Section XXI, E(1) before becoming eligible to utilize Sick Leave Bank benefits again.
- d. Sick Leave Bank time will run concurrently with FMLA leave or as part of an ADA reasonable accommodation where applicable and appropriate.
- e. Members using Sick Leave Bank days will not have to replace those days except as a regular contributing member of the Sick Leave Bank.
- f. The Sick Leave Bank request form must be signed by the member's health care provider. The Department of Human Resources reserves the right to require additional medical documentation supporting the request or documentation from a different health care provider.
- g. Participating members enrolled in the Virginia Retirement System (VRS) Hybrid Plan may not withdraw days from the Sick Leave Bank when the member receives benefits pursuant to the Income Replacement Program.

## ***Termination***

- a. Upon termination of employment or membership in the Sick Leave Bank, a member may not withdraw the days they contributed to the Sick Leave Bank.
- b. The Sick Leave Bank may be dissolved if less than one-third (1/3) of eligible employees agree to participate.

## **20. Special Duties Owed to Those Who are Victims of Crimes**

Under Virginia law, the County must allow an employee who is a victim of a crime to leave work to attend all criminal proceedings relating to a crime against the employee. The County is not required to compensate employees for such absences but may not discharge an employee for exercising the right to attend a criminal proceeding. The County may only limit the duration of an employee's leave if the employee's leave creates an undue hardship for the County's business.

## **21. Unpaid Leave – Leave of Absence (Long-Term)**

### **a. Purpose**

An employee may need to request an unpaid long-term leave of absence from their regular employment. The County authorizes the County Executive/designee to consider all requests for unpaid long-term leaves of absence and will establish a procedure by which these requests may be processed in a fair and consistent manner. The County Executive/designee will, however, make decisions on granting or denying leave of absence requests based on the best interests of the County. The following procedure is intended to be utilized for leave requests not covered by other County policies.

### **b. Eligibility**

To qualify, an employee must have completed at least six (6) months of continuous employment in a benefits-eligible position prior to commencement of a leave of absence.

### **c. Period of Leave of Absence**

An unpaid long-term leave of absence is for a period of time from 28 consecutive calendar days to up to 12 consecutive months.

### **d. Requesting Unpaid Leave**

1. Leave of absence requests must be submitted in writing to the employee's supervisor as soon as possible in advance of taking the leave; however, this requirement may be waived by the department head/designee based on the circumstances and/or immediate need of the request. The request must state the reason for the leave and the starting and ending dates of the leave. Generally, requests for leave to pursue other employment will not be approved.



2. The employee, supervisor, department head/designee, and County Executive/designee will work together to determine if the request creates a hardship for the County or impedes the County's ability to provide the necessary level of service to the public and any other relevant factors. The County Executive/designee will make a final decision to approve or deny the request.

**e. Effect on Benefits**

1. Employees on unpaid long-term leaves of absence will not accrue annual, or sick leave and will not receive holiday leave or employer contributions to life insurance, VRS, medical insurance, or dental insurance except as required by law.
2. If an employee has enrolled in optional voluntary benefits, the employee must make additional arrangements with the Department of Finance's Payroll Division and/or the vendor providing the benefit/product (as applicable) to cover these obligations since they will not be paid salary or wages.
3. An employee requesting an unpaid long-term leave of absence should meet with the Department of Human Resources to discuss the effect of the leave on their benefit options.

**f. Completion of Unpaid Leave of Absence**

After completion of the unpaid leave of absence, an employee will be assigned to a similar position in the department from which they took leave, following any required physical or substance screenings.

**22. Unpaid Leave – Leave Without Pay (Short-Term)**

The County authorizes the use of short-term leave without pay and to establish a procedure by which these requests may be processed in a fair and consistent manner. To use leave without pay, all other applicable leave options must be exhausted.

**a. Period of Short-Term Leave Without Pay (LWOP)**

LWOP requests should be reviewed to determine if they will create a hardship for the County, impede the County's ability to provide the necessary level of service to the public, and any other relevant factors.

- A Department Head may approve up to 10 days per rolling year. The Department must also notify Human Resources of employee LWOP use.
- Eleven (11+) or more days of LWOP per rolling year requires Human Resources approval. LWOP may not be approved for more than 27 consecutive calendar days, except as required by law.

- The Department of Human Resources may approve LWOP regardless of the length when it runs concurrently with FMLA leave, Workers' Compensation, IRP, Maternity Leave, Military Leave, or during the Sick Leave Bank initial waiting period, when applicable.

**b. Effect on Benefits**

- As long as the employee has income by working or using paid leave in a calendar month, employees on LWOP will continue to accrue and may continue to use holiday leave, annual leave, and sick leave, and may continue to participate in life insurance, medical insurance, dental insurance, and VRS contributions.
- If an employee on LWOP does not work during a calendar month and does not use any paid leave during the month, the employee will not accrue annual leave, or sick leave. The County will not contribute to the employee's life insurance, medical insurance, dental insurance, or VRS, except as required by law.
- Employees will be responsible for any applicable employee contributions to their benefits during this period of leave.