

	Policy: Holidays & Leaves of Absence	Effective Date: May 19, 1992
		Revision Effective Date: May 1, 2005, August 1, 2006
	Policy Number: HR-15	Page 1 of 7
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PURPOSE

The policy of the City is to provide annual leave, sick leave, and holiday leave to all full-time and qualifying part-time employees. The leave accrued will be proportionate to the number of hours normally scheduled to be worked in a week.

HOLIDAYS

(A) The following days, and other days as the City Council may designate, are holidays with full pay for employees and officers of the City:

- (1) New Year's Day;
- (2) Martin Luther King's Birthday;
- (3) Good Friday;
- (4) Memorial Day;
- (5) Independence Day;
- (6) Labor Day;
- (7) Veterans Day;
- (8) Thanksgiving (two days); and

(9) Christmas (two days) - a third day will be granted when the day preceding and the day following Christmas Day would normally be a workday.

(B) Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

(C) Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. Compensatory time shall be granted whenever feasible and taken within ninety days from the time it is earned. Employees may accrue no more than eighty hours of compensatory time.

VACATION LEAVE

(A) Vacation leave shall be used for rest and relaxation, and may be used for medical appointments.

(B) Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the City Manager. Employees shall be allowed to take accumulated vacation leave after six months of service.

(C) Each full- and part-time employee of the City shall accrue annual leave at the following schedule, prorated by the average hours in the work week:

Years of Service	Days Accrued Per Year
0 – 4	12
5 – 9	14
10 – 14	15
15 – 19	16
20+	18

(D) *Maximum accumulation.*

(1) Employees hired after July 1, 1992. Annual leave may be accumulated without any applicable maximum until June 30 of each year. However, if the employee separates from service, payment for accumulated annual leave shall not exceed two times the employee's annual accrual rate (for example, if the accrual rate is 15 days per year, the employee may only be paid for 30 days). On June 30 of each year, each employee may only carry over into the new fiscal year two times the employee's annual accrual rate. The remaining excess annual leave shall be removed. The excess amount will be converted to sick leave and added to the employee's sick leave balance.

(2) Employees hired before July 1, 1992. Annual leave may be accumulated without any applicable maximum until June 30 each year. However, if the employee separates from service, payment for accumulated annual leave shall not exceed 480 hours. On June 30, any employee with more than 480 hours of accumulated leave shall have the excess accumulation removed so that only 480 hours are carried forward to July 1 of the next fiscal year. The excess amount will be converted to sick leave and added to the employee's sick leave balance.

(3) Employees are cautioned not to retain excess accumulated annual leave until late in the fiscal year; due to the necessity to keep all City functions in operation, a large number of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving any exception to the maximum accumulation, without consent of the Department Director and City Manager.

ANNUAL LEAVE

(A) Employees shall be granted the use of earned annual leave upon request at least one week in advance, in writing, at those times designated by the department director which will least obstruct normal operations of the City.

(B) An employee who has successfully completed the six months' probationary period will normally be paid for accumulated annual leave upon separation not to exceed the maximum as stated in VACATION LEAVE provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give notice as required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the City Manager when deemed to be in the best interest of the City. Employees who are involuntarily separated may receive payment for accumulated annual leave subject to the maximums established in VACATION LEAVE.

(C) The estate of an employee who dies while employed by the City shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in VACATION LEAVE.

SICK LEAVE

(A) Sick leave with pay is not a right which an employee may demand, but a privilege granted for the benefit of an employee when sick.

(B) Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

(C) Sick leave may be used when an employee must care for a member of his or her immediate family who is ill. Sick leave may also be used for death in the employee's immediate family, but may not exceed three days for any one occurrence. Additional leave time required for such occurrence may be charged to vacation.

(D) Sick leave may also be used to supplement Workers' Compensation Disability Leave.

(E) *IMMEDIATE FAMILY* shall be defined as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

(F) Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than four hours after the beginning of the scheduled workday.

(G) *Accrual rate and accumulation.*

(1) Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time and part-time employees working other than the basic work schedule shall be prorated as described in this article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

(2) All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the City, except as stated for employees retiring or terminated due to reduction in force.

(H) *Medical certification.*

(1) The City requires the employee to submit a doctor's certificate to verify sick leave in the event the employee is absent for three (3) consecutive work days due to personal illness or illness of the employee's immediate family. The department director shall be responsible for the application of this provision to the end that:

(a) Employees shall not be on duty when they might endanger their health or the health of other employees; and

(b) There will be no abuse of leave privileges.

(2) Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action.

LEAVE PRORATED

Holiday, annual, and sick leave earned by full-time and eligible part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

(A) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours);

(B) The resulting answer from (A) shall be multiplied by the number of hours of leave earned annually by employees working the basic work week (usually 96 hours); and

(C) The resulting answer from (B) shall be divided by 12 and will be the number of hours of leave earned monthly by the employees.

LEAVE WITHOUT PAY

(A) A full- or part-time employee may be granted a leave of absence without pay for a period of up to 12 months by the City Manager. The leave shall be used for continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager.

(B) The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report to work at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

(C) An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the City's group insurance plans at his or her own expense, subject to any regulation adopted by the City Council and the regulations of the insurance carrier.

WORKERS' COMPENSATION LEAVE

(A) All employees of the City (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisor at the time of the injury in order that appropriate action may be taken at once.

(B) An employee absent from duty because of sickness or disability as defined by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation leave during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin, provided that the combination of leave supplement and workers' compensation payments do not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans.

If an employee is unable to work due to a work-related injury, they will be placed on Family Medical Leave (“FMLA”), with the two leaves running concurrent. The total number of months an employee will be active on the City’s records for a work related injury in conjunction with FMLA is six (6) months. The employee will be eligible for COBRA (Continuation of Benefits) at that time.

If an employee on workers’ compensation is medically able to return after six (6) months, the employee can reapply for any available position that they are qualified to perform.

(C) Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The supervisor or Human Resources Office will assist the employee in filing the claim.

CIVIL LEAVE

A City employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation, except that employees must turn over to the City any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

EDUCATIONAL LEAVE WITH FULL OR PARTIAL PAY

(A) A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one course which will better equip the employee to perform assigned duties upon the recommendation of the department director, and with the approval of the City Manager.

(B) Educational leave at full or partial pay for a period not to exceed 12 calendar months may be granted to an employee to take one or more courses that will better equip the employee to perform assigned duties upon the recommendation of the department head and the City Manager and with the approval of the City Council. An employee granted such extended educational leave with pay shall agree to return to the service of the City upon completion of training and remain in the employment of the City for a period of twice the educational leave received, or the employee shall reimburse the City for all compensation received while on educational leave.

(C) An employee on educational leave with full pay shall continue to earn leave credits and other benefits to which City employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

EXTENSION OF THE PERFORMANCE REVIEW PERIOD

Employees who are out of work because of an extended leave shall have their performance review period extended by the amount of time out on leave that exceeds fifteen (15) days.