

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 34 (Consolidates APM 3-34, 3-35, 3-36, 3-38 & 3-39)
Issue 3 4/1/98
Date

SUBJECT: TIME MANAGEMENT, OTHER TYPES OF LEAVE, AND HOLIDAYS

I. PURPOSE

The purpose of this procedure is to establish a standard policy and process for the authorization and use of time management, paid leave, unpaid leave and holidays, consistent with Lane Manual 2.265 and 2.270.

Related Procedures: LM 2.270, 2.265.

II. SCOPE

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit written proposals to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. AMENDMENTS

The County Administrator may amend this procedure.

IV. TIME MANAGEMENT POLICY AND PROCEDURES

A. Time Management Program

It is the purpose of the Lane County Time Management Program to provide employees with a leave-with-pay program that is easily understood, responsive to individual needs, and easy to administer.

This program covers all permanent employees, excluding seasonal and extra-help employees. Those employees covered by the provisions of this program shall not be eligible for separate leave benefits covering the following:

1. Sick leave (nonoccupational illness or injury leave)
2. Family emergency
3. Vacation leave
4. Personal day
5. Compensatory time (except as provided by the Fair Labor Standards Act)

B. Accrual Rates

Time management will accrue whenever an employee is in a paid status with the County except during disability (See Section V.B. Employee Medical Leave). Employees do not accrue earned leave when on unpaid leave.

1. **Exempt** employees will earn leave, based on full-time service, in accordance with the following schedule:

| <u>Months of Service</u> | <u>Earned Leave</u> | <u>Earned Leave Accruals</u> |
|-----------------------------------|---------------------|------------------------------|
| 0-12 months (0-1 year) | 23 days/year | 7.077 hours/pay period |
| 13-24 months (1-2 years) | 27 days/year | 8.308 hours/pay period |
| 25-48 months (2-4 years) | 31 days/year | 9.538 hours/pay period |
| 49-108 months (4-9 years) | 35 days/year | 10.769 hours/pay period |
| 109-168 months (9-14 years) | 39 days/year | 12.000 hours/pay period |
| 169-228 months (14-19 years) | 43 days/year | 13.231 hours/pay period |
| 229 months & over (over 19 years) | 47 days/year | 14.462 hours/pay period |

2. **Nonexempt** employees will earn leave, based on full-time service, in accordance with the following schedule:

| <u>Months of Service</u> | <u>Earned Leave</u> | <u>Earned Leave Accruals</u> |
|-------------------------------------|---------------------|------------------------------|
| 0-12 months (0-1 year) | 20 days/year | 6.154 hours/pay period |
| 13-24 months (1-2 years) | 23 days/year | 7.077 hours/pay period |
| 25-48 months (2-4 years) | 26 days/year | 8.000 hours/pay period |
| 49-108 months (4-9 years) | 29 days/year | 8.923 hours/pay period |
| 109-168 months (9-14 years) | 32 days/year | 9.846 hours/pay period |
| 169-228 months (14-19 years) | 35 days/year | 10.769 hours/pay period |
| 229-288 months (19-24 years) | 38 days/year | 11.692 hours/pay period |
| 289 months and over (over 24 years) | 41 days/year | 12.615 hours/pay period |

3. **Eligible part-time employees** (excluding seasonal and extra help) shall accrue and use time off under this program on a pro rata basis using the percentage of full time the employee was paid in the previous two pay periods as a base.

- a. Eligible part-time employees with varying bi-weekly hours shall earn time management based on the actual hours worked.
 - b. For purposes of identifying a bi-weekly work week when using accrued time, hours will be on a pro rata basis using the percentage of full time the employee was paid in the previous two pay periods as a base.
 - c. Eligible part-time employees working a set bi-weekly schedule will earn and use on a pro rata basis, based on their regularly scheduled hours. This includes employees who have hours reduced or increased annually due to budget.
4. **Maximum Accrual.** An employee may accumulate earned leave, excluding the previous vacation balance, if any, to a maximum of twice the annual time management accumulation. On March 31 of each year, any employee credited with accrued leave greater than twice the annual accumulation shall forfeit that amount above the maximum accumulation. An employee who has acquired the maximum allowable accumulation of earned leave may continue to accumulate earned leave for the balance of the year in which the maximum accrual was reached, provided that the employee takes sufficient earned leave to reduce the accumulation to the maximum allowable prior to the following March 31 or forfeit the excess.
- C. Termination. After an employee has worked six (6) months for Lane County, upon termination the employee will be paid all of his or her vacation balance, if any, and one-half of any time management balance, at the employee's current rate of pay.
 - D. Death. After an employee has worked six (6) months for Lane County, in the event of his or her death all accumulated earned leave shall be paid to the employee's designated beneficiary at the employee's current rate of pay.
 - E. Required Usage. During the first five (5) years of employment, employees shall be required to take a minimum of two (2) weeks of accumulated earned leave per year. Thereafter, employees shall be required to take a minimum of three (3) weeks of accumulated earned leave per year.
 - F. Scheduling. Employees shall, whenever possible, request time off in advance. Use of such leave must be scheduled between the employee and the County. When an employee is sick or an emergency requires his or her presence elsewhere, the employee must notify the supervisor as soon as possible. With the exception of previously scheduled leave, bona fide sickness or emergency situations, supervisors are generally not to grant Time Management leave to employees who have given notice of their termination from County employment. This does not apply to employees who are

being laid off by the County. If TM is granted, discretion and sound judgment should be used in determining the number of hours allowed. Department Director will be responsible for ensuring that any TM taken subsequent to notice of termination is not for the purpose of using up TM balances to avoid the 1 for 2 payout at termination.

G. Sell Back. After six (6) months of continuous employment, employees may sell back accrued earned leave to the County subject to the following restrictions:

- a. Funding must be available to pay for the request.
- b. The maximum number of earned leave hours that can be sold for cash compensation in a calendar year is the lesser number of leave hours taken in the same calendar year or eighty (80) hours.
- c. The earned leave hours must be scheduled or used prior to the sale of any accrued earned leave hours. To qualify for sell back in the subsequent year the required usage of accumulated earned leave must have occurred in the prior year as scheduled.
- d. During the last three (3) years prior to retirement, employees may sell up to 200 hours per year of their annual leave accrual at the current rate of pay. Extensions of an employee's scheduled retirement date notwithstanding, no employee will be entitled to this benefit in more than three (3) years. Note: This paragraph is not subject to any of the limitations expressed in b., and c., above.

H. Existing Vacation Balance. Employees with an existing vacation balance initially transferred during conversion to the Time Management Program shall have the option of charging leave to either the vacation balance or the time management balance.

V. EMPLOYEE MEDICAL, PARENTAL, PREGNANCY AND FAMILY LEAVES

A. General Information

The following employee medical, parental, pregnancy and family leaves are covered by a number of federal and state statutes and County policy. The employee who meets qualification requirements under the federal Family Medical Leave Act (FMLA) may be eligible for leave up to a maximum accumulative total of 12 weeks in a 12 month period for the following condition(s): pregnancy, parental leave, family medical, employee medical, and/or work-related injury or illness. When FMLA is exhausted, a review is conducted of the employee's eligibility for leave under state statutes. An employee's personal illness falls under County medical leave policies, which run concurrent with FMLA.

The following general provisions apply to all the leaves covered by this section unless specifically stated otherwise.

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Notification of Need for Leave

It is the responsibility of the employee to notify Lane County when a paid or unpaid leave is being used for any of the following conditions:

- Employee Illness or Injury
- Employee Pregnancy
- To care for a seriously ill family member
- Parental leave to bond with a new born child, adopted child or foster child, under the age of 6.

Medical certification is required for any of the above leaves. It is the responsibility of the employee to submit a fully completed Family and Medical leave form (Appendix A) providing medical certification from an attending physician. Failure to submit a completed medical certification could result in denied leave and/or disciplinary action for unauthorized leave of absence.

It is the responsibility of the employee to notify and provide medical certification when additional leave is needed beyond the previously authorized FMLA leave period.

Medical certification is to be completed using a Family and Medical Leave form (Appendix A), and to be submitted to the person the employee would normally submit any other leave requests.

Notification Time Lines

FORESEEABLE LEAVE: Employee must give 30 days notice in writing of intent to take leave. Employees who request leave for planned medical treatment are obligated to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as not to unduly disrupt the County's operations.

UNFORESEEABLE LEAVE: When circumstances require a leave to begin in less than 30 days, such as with a sudden change in a patient's condition, the employee must give as much notice as practicable, normally within two (2) business days.

Verification

Verification will be accomplished upon the County's review of the completed Family and Medical Leave Form (Attachment A) and notification to the employee that leave has been designated as FMLA leave.

How Paid

FMLA Leave is unpaid. Employees may use accrued leave or unpaid leave or a combination of the two. If a combination is used, paid leave must be used first. If paid leave is used and employee then chooses to go to unpaid status, they may not return to a paid status for the duration of the leave. Only that time for which "salary was paid" can be applied toward PERS service credit.

Substantiation of Medical Condition for County-paid Medical Leave Employee Medical leave for any reason, including pregnancy, shall not exceed that period for which the employee is in fact physically unable to return to work as substantiated by the employee's physician. Failure to provide satisfactory substantiation will result in denial of compensation and may result in disciplinary action. Minimum acceptable substantiation includes:

- The first date of treatment by the attending physician.
- A description of the current medical condition.
- Date expected to return to modified duty.
- Name, address and phone number of the attending physician.
- Date of the next appointment with attending physician.

Department Notification to Employee

The Department will provide notice to the employee that leave has been designated as FMLA leave. This will be done orally, at the time of the employee's notice to the Department of the need for a leave and confirmed in writing within two business days.

If the Department learns after an employee leave has begun, such as when an employee gives notice of the need for leave extension as the result of an event that qualifies

under FMLA, they can designate FMLA leave for the portion of the leave qualifying under FMLA.

If the employee is absent for an FMLA reason and the Department does not learn the reason until the employee's return to work, the Department may, within two business days of the employee's return to work and in writing, designate the time absent as FMLA.

If leave is taken as FMLA, but has not been designated by the Department, the employee must within two business days of returning to work tell the Department that the leave was for FMLA purposes.

The Department may make a preliminary determination of FMLA eligibility pending receipt of medical substantiation. If the employee fails to qualify, the Department must withdraw the designation with a written notice to the employee.

If there is a dispute between the employee and the Department as to whether paid leave qualifies as FMLA leave, it should be resolved through discussions between the employee and the MS Director or their designated representative. Such discussions and the decision must be document.

Tracking of FMLA Leave

Tracking will begin with the first day of absence. FMLA usage will be tracked on an individual rolling 12 month period. Absences of more than 3 days, including days regularly scheduled off work, for medical reasons, and including the employee's visit to a physician, will be tracked from the first day of absence.

Tracking will take place on the employee's time card. FMLA tracked hours can include time management or other accrued leave, County-paid medical leave, leave for a Workers' Compensation claim, modified work hours, or unpaid leave.

Fit for Duty

Employee must provide a Fit for Duty release from their attending physician prior to returning to work from any employee illness or injury. If a release has not been provided, return to work can be delayed until a Fit for Duty release has been provided.

Health Insurance Continuation

Health insurance is defined as medical, dental and vision coverage. An employee with twelve months of service (whether or not consecutive) and with at least 1250 hours during that time, and who has health insurance benefits, shall have those benefits continued by the County at no cost to the qualifying employee, during the unpaid portion of their FMLA leave. If the employee does not return to work following the family medical leave period, the employee will be responsible for repayment of the health insurance premiums paid during the period of unpaid leave in accordance with FMLA.

Health Insurance Eligibility

Once an employee has exhausted all leave benefits that provide health insurance continuation, to maintain health insurance eligibility the employee must be in a paid status on the first working day of the month and working a minimum of 20 hours per week. The medical insurance handbook addresses continuation of group coverage for a leave of absence, exhaustion of eligibility, a workers' compensation claim, and termination of employment.

COBRA Group Health Insurance Continuation

Information concerning continuation of group health insurance is outlined in the employee medical insurance handbook. Enrollment forms are available by contacting Personnel.

Life Insurance Continuation

The employee, on an approved unpaid leave, is eligible to self-pay employee, dependent, and supplemental life insurance coverage up to a maximum of three months. Contact Central Payroll for information about monthly premium cost and payment procedures prior to start of unpaid leave.

B. Employee Medical Leave

Purpose

This policy covers a Lane County employee's leave of absence for non-occupational medical leave. This policy is in accordance with the Federal Family Medical Leave Act (FMLA), and Lane Manual 2.270.

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Employee Medical leave is for a maximum of 90 calendar days per occurrence. FMLA leave is a maximum of 12 work weeks per individual rolling 12 month period. Employee Medical and FMLA leaves run concurrently.

How Paid/Limitations

Employee Medical leave begins with the employee's first day of absence as substantiated by their attending physician.

If an absence for nonoccupational illness or injury exceeds eighty (80) consecutive work hours, the County will provide compensated time off as outlined below for that period preceding commencement of the long-term disability benefit. The first eighty consecutive work hours shall be charged against accrued earned leave or shall be leave without pay if the employee does not have sufficient earned leave to cover the absence.

If a nonoccupational illness or injury exceeds eighty consecutive work hours or if an employee has insufficient earned leave, the employee shall be expected to substantiate the illness or injury to the satisfaction of the County.

County-paid short term employee medical leave will be paid as follows:

First two weeks (80 consecutive work hours) will be charged to accrued time management.

Second two weeks continue at 100% pay;

Third two weeks continue at 90% pay;

Fourth two weeks continue at 80% pay;

Fifth two weeks continue at 70% pay;

Remaining time will be paid at 66-2/3% to the conclusion of 90 days.

Employees will not accrue time management while on County-paid disability leave, however, employees may opt to use time management or accrued vacation during this 90-day period to supplement loss of regular pay.

Exhaustion of Medical Leave

At the end of the ninety (90) calendar day County medical leave, FMLA leave exhaustion and exhaustion of other eligible benefits, the County may terminate the employment of an employee who has not been fully released to return to their regular position. However, the employee may request one of the following options:

MODIFIED DUTY: Such requests are to be submitted in writing and accompanied by medical documentation from the attending physician. The documentation **MUST** clearly state the employee's medical condition, necessary modifications to the duties of the employee's position of record, or modification of work hours, and the projected full recovery date.

UNPAID LEAVE: Such requests are to be submitted in writing and require approval by the Department Director. The maximum period of unpaid leave a Department Director is authorized to approve is ninety (90) calendar days.

BOTH THE DEPARTMENT'S FINANCIAL ABILITY AND STAFFING NEEDS WILL BE REVIEWED AND CONSIDERED PRIOR TO APPROVAL OF EITHER MODIFIED DUTY OR AN UNPAID LEAVE OF ABSENCE.

Return to Work

If the employee returns to work within the ninety (90) day period after employee medical leave, it shall be without loss of seniority, time management accruals (except as outlined above), or any other employee benefit or right accrued at the beginning of the employee medical leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave. **NOTE:** Only that time in which "salary was paid" can be applied toward PERS service credit.

Accommodation under Americans with Disabilities Act (ADA)

Any employee with a permanent medical condition who can perform the essential duties of their position may request reasonable accommodation under ADA. The employee must also provide a list of the duties they can perform and physician's substantiation of their limitations and restrictions. A review by Personnel staff will determine eligibility for ADA accommodation.

Subrogation

Any employee who sustains an illness or injury and continues to receive regular wages from the County or receives medical benefits shall be obligated to return to the County any payment received from a third party for compensation and benefits paid by the County. In addition, the County has a right to initiate or join any proceedings against a third party to seek reimbursement of wages and medical benefits paid.

C. Family Medical Leave

Purpose

This policy covers employee leave in connection with the care of a family member who has a serious health condition. Family member is defined as: mother, father, parent-in-law, husband, wife, child, and step-child. This policy is in accordance with

the Family Medical Leave Act (FMLA), Oregon Family Leave (ORS 659.560-659.570).

For purposes of confirmation of family relationship, Lane County may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. Such documentation may take the form of a simple statement from the employee, or a court document, a child's birth certificate, etc. After examination, all official documents are to be returned to the employee.

Serious health condition is defined as: a) an illness, injury, or condition of a child of an employee requiring home care, or b) an injury, disease, or condition of a family member that according to the medical judgment of the treating physician: 1) poses an imminent danger of death; 2) is terminal in prognosis, with a reasonable possibility of death in the near future; or 3) is any mental or physical condition that requires constant care.

Constant care includes care wherever performed whether at home or any nursing home, institution, hospice, or health care facility. Where however, the family member is receiving long-term physical care at a nursing home, institution, hospice, or other health care facility, leave shall apply only to those periods of transition from one home or facility to another, including time to make arrangements for such transitions, or when the family member requires transportation or other assistance in obtaining care from a physician.

Eligibility

An employee who has worked either: a) 180 consecutive days in a permanent position, or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Eligible employees are entitled to a total of 12 weeks of leave during any 12-month period. The employee is entitled to take leave in increments of a day or more, or in one continuous block of time, as a family member's condition requires. However, employees may take leave for the remainder of a shift or working day if, after reporting to work, they are informed of a family member's serious health condition. Notice shall be given for each increment of leave requested. This will be accomplished by submitting a completed Request for Family and Medical Leave form.

Limitations

The total leave in any 12 month period for married employees both working for Lane County is limited to 12 weeks if the leave is taken to care for a sick child, parent or parent-in-law.

Return to Work

Return to work after family medical leave shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the family medical leave, except that benefits earned and accrued at the time of the beginning of the family medical leave may be reduced by the amount of such benefits used during the family medical leave. Only that time in which "salary was paid" can be applied toward PERS service credit.

D. Parental Leave

Purpose

This policy covers employee leave in connection with birth or placement of a child with the employee for adoption or foster care. This policy is in accordance with the Family Medical Leave Act (FMLA) and Oregon Administrative Rules (ORS 659.360 - 659.370) covering parental leave.

Eligibility

An employee who has worked either: a) 90 consecutive days in a permanent position, or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Eligible employees are entitled to a total of 12 consecutive work weeks of leave during a rolling 12-month period, less time taken for other FMLA leave. If FMLA leave is exhausted, the employee may qualify under State Parental Leave regulations. In case of premature birth, leave may be taken until the baby reaches a developmental stage equal to 12 weeks. If both parents are Lane County employees, their combined total parental leave in any 12-month period may not exceed 12 weeks.

Return to Work

Return to work after parental leave shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the parental leave, except that benefits earned and accrued at the time of the beginning of the parental leave may be reduced by the amount of such benefits used during the parental leave. Only that time in which "salary was paid" can be applied toward PERS service credit.

E. Pregnancy Leave

Purpose

This policy covers a Lane County employee's leave of absence for pregnancy. This policy is in accordance with the Federal Family Medical Leave Act (FMLA), Oregon Pregnancy Leave, ORS 659.385 - 659.393, and Lane Manual 2.270.

Eligibility

No minimum employment period is required for employee pregnancy leave.

Length of Leave

The period during which the employee is disabled due to pregnancy, child birth, or related medical conditions and is unable to perform any available job duties offered by Lane County.

Pregnancy leave begins with the employee's first day of absence as substantiated by their attending physician. Following the eighty consecutive hours employee elimination period, paid benefits continue in full up to ninety (90) days from the employee's first day of absence, or until eligibility for long-term disability coverage, whichever occurs first. If the employee's disability extends beyond the ninety (90) day period, and the employee is not released by the physician to return to work, employment will continue in an unpaid status for the period of time the employee is physically unable to return to work as substantiated by the attending physician. If the employee applies for and is accepted, pay will continue under long-term disability. Under ORS 659.385, the employee has reinstatement rights and must request such within 3 working days of the date of the full release by the treating physician. The County has ten (10) working days to respond to the request.

Return to Work

If the employee returns to work within the ninety (90) day period, it shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the pregnancy leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave. **NOTE:** Only that time in which "salary was paid" can be applied toward PERS service credit.

VI. OTHER TYPES OF LEAVE

A. Unpaid Leave (Voluntary)

Purpose

Unpaid leave is generally available only for absences for which time management or other types of paid or unpaid leaves are not available or appropriate.

1. Eligibility

Only permanent, nonprobationary employees are eligible for unpaid leave.

2. Authorization of Leave

No leave of absence without pay shall be granted unless a request is submitted by the employee and approved in writing by the appointing authority or by the County Administrator for appointed department directors.

Department directors are authorized to approve short-term unpaid leave of less than ninety (90) days. Unpaid leave of ninety (90) days or more must be approved by the Department Director and County Administrator. Approval of leave shall be obtained prior to the beginning of the leave periods. Leave will not normally be granted unless the County can be assured that the employee's work can be completed in their absence.

3. Application for Leave of Absence Without Pay

Request for such leave must be in writing and must establish reasonable justification for approval of the request. Such leave will not be approved for an employee who is accepting employment outside the County service unless such leave and employment is part of an approved employee development program that will eventually benefit the County. Positions left vacant as a result of short-term unpaid leave should not be filled by temporary help or a working out-of-class appointment.

4. Continuous Service

Continuous service shall be employment unbroken by separation other than military or Peace Corps leave. Time spent on any other authorized unpaid leave of absence in excess of ninety (90) days shall not count as time of continuous service, however employees returning from such leave shall be entitled to credit for service prior to the leave.

5. PERS Service Contract

Only that time in which "salary was paid" can be applied toward PERS service credit.

6. Health Insurance Continuation During Unpaid Leave

To be eligible for County paid medical, dental and vision insurance, the employee must a) be in a paid status on the first working day of the month, and b) be working a minimum of 20 hours per week; or c) be eligible for insurance continuation under a qualified FMLA leave.

If an employee is on an unpaid leave and does not otherwise qualify for County paid medical, dental and vision, they may be eligible to self pay monthly premiums under the federal COBRA program. Contact Personnel Services for a COBRA application. COBRA benefits are explained in the health insurance handbook.

While on an approved unpaid leave, the employee may also self pay their life insurance up to a maximum of 3 months. Life insurance includes: employee life, dependent life, and/or supplement life.

B. Bereavement

An employee shall be reimbursed for lost work as a result of a death in the employee's immediate family at the regular straight time hourly rate to a maximum of three (3) days' pay or, to a maximum of five (5) days if out of state travel is required. The immediate family is defined as mother, father, husband, wife, sister, brother, child, grand-parent, grand-child, step-mother, step-father, step-child, father-in-law or mother-in-law. The use of bereavement leave will not be charged against the employee's accrued time management.

C. Jury Duty

An employee called for service on a jury will receive regular pay provided that payment made to the employee for jury service is remitted to the employee's department director. The department director shall remit the jury's payment to the Accounts Receivable section of Finance and authorize the employee's regular pay.

If an employee's normal shift is other than 8 a.m. to 5 p.m., Monday through Friday, the department may approve a temporary schedule adjustment to accommodate jury service.

D. Military and Peace Corps

Purpose

Lane County cooperates with the military services by granting leave to eligible employees to participate in voluntary and ordered military training and active duty. Also time shall be granted for eligible employees participating in the Peace Corps Program.

Eligibility

All Lane County employees working in permanent or permanent part-time positions, including elected officials, who have been employed for six months shall be entitled to military leave.

Length of Leave

Regular Military Service: An employee shall be entitled to military leave without pay for service with the U.S. Armed Forces. Leave shall be approved to a maximum of four years unless extension is required in accordance with ORS 408.240 and Federal law. The employee shall provide a copy of military orders.

National Guard and Military Reserve Service: In addition to annual paid training leave, a member of the National Guard or reserve component of the U.S. Armed Forces shall be entitled to leave for training or schooling, whether voluntary or required, and for periods of emergency service. This includes National Guard duty in cases of disaster, such as floods, earthquakes, or to aid the enforcement of law. The employee shall provide a copy of military orders.

Peace Corps: Leaves of absence for at least two years shall be granted to an employee who has successfully completed the initial probationary period with Lane County. The employee shall provide a copy of the Peace Corps appointment document.

How Paid

Paid Leave: Paid military leave shall be granted for the lesser of a period of fifteen (15) consecutive calendar days or eleven (11) consecutive work days per calendar year, without loss of time, regular leave, or other rights and benefits. Such leave will be granted and compensated based on the employee's regularly scheduled work period. There is no County paid time for Peace Corps service.

Unpaid Leave: In addition to the paid time, a member of the National Guard or reserve component of the U.S. Armed Forces shall be entitled to unpaid leave for training or schooling, whether voluntary or required, and for required periods of emergency service if such service extends beyond County paid Military leave of eleven (11) work days. The employee shall provide a copy of the military orders.

Use of Accrued Leave: Employees may use accrued time management, vacation, compensatory time, or other appropriate leave during periods of military leave beyond the County paid Military leave of eleven (11) work days.

Holidays that fall within the County paid Military Leave: Holidays that fall within the County paid military leave period will not extend the 15 consecutive day limitation, and will count as a paid day toward the 11 work day maximum.

Employees leaving County service for extended military leave (up to 4 years) shall be paid for all accrued time in accordance with current policies for terminating employees.

How Requested

Employees who receive inquiries regarding their availability for military leave, shall consult with their supervisor so that requests may be made to stagger absences to minimize disruption to work operations. The military services have the final authority in determining when an employee must report for military duty.

Employees who are ordered to report for military training or duty will be released from duty for any period of military leave to which they are entitled. If a full-time or part-time permanent employee who is a reservist or National Guardsman is not entitled to, does not request, or has exhausted military leave, the employee shall be granted accrued leave or leave without pay, as requested.

All requests for leave must be provided to the immediate supervisor in writing, including the beginning and projected ending date of the military leave. Copies of orders are to be provided as soon as they become available.

Return to Work or Reinstatement

Regular Military Service and Peace Corps Service: Within 90 days after completion of certified satisfactory military or Peace Corps service, the employee shall notify Lane County of intent to return from military leave. Upon such notification Lane County shall return the employee to the position held just prior to military or Peace Corps service without loss of seniority or benefits. Pay shall be at the same step held before military or Peace Corps service but at the prevailing salary rate. Any employee who fails to report for work within ninety (90) days after military discharge or release from the Peace Corps shall be considered to have resigned.

National Guard or Military Reserve Service: For periods of Guard or Reserve service less than three months duration, the employee shall return to work immediately upon release from training or reserve service.

If it is established that an employee is not physically qualified to perform the duties of the employee's former position by reason of disability sustained during such service, the employee shall be reinstated in other work that the employee is able to perform at the nearest appropriate level of pay to the employee's former classification. Such employees shall make application for reinstatement within 90 calendar days after discharge from military service, and shall report for duty within six months following separation from active duty. Failure to comply will terminate the military leave.

E. Court and Legislative Appearances

1. An employee who appears before a court, legislative committee, judicial body, or quasi-judicial body as a witness in response to a subpoena shall receive regular pay provided that the compensation received as a witness is remitted to the department director. The department director shall remit the compensation to the Accounts Receivable section of Finance and authorize the employee's regular pay.
2. All time spent by nonexempt employees attending court in connection with their officially assigned duties, including the time required to go to the court and return to their work, is considered work time.
3. Travel time for nonexempt employees subpoenaed to attend court away from the home community shall be in accordance with Part 785 of the Fair Labor Standards Act.
4. Voluntary court appearances will not be compensated by the County. Staff may request use of accrued compensatory time or paid leave for such appearances.

F. Voting

Employees registered to vote but who are unable to vote in general elections due to work scheduling may be granted sufficient time off with pay to vote. Where such circumstances can be foreseen in advance, such employees are expected to utilize the absentee ballot procedure as prescribed by Oregon Revised Statute 253.030.

G. Emergency Conflagration Act

The State of Oregon has an Emergency Conflagration Act which by Order of the Governor, allows volunteer firefighters to be called to fight fires in emergency cases. Firefighters called out under this Act will be paid by the State.

An employee called for service under this act would be entitled to up to 30 days leave without loss of pay and may opt to:

1. Use accumulated leave, i.e., Time Management, existing vacation or comp time balances and retain state pay; or
2. If state pay is less than the employee's regular net pay, the County will subsidize the difference to a maximum of their current net pay.

3. If state pay is equal to or greater than employee's regular net pay, the employee will not be required to return the difference to the County.

The County will continue employee paid benefits as under other paid leave provisions. Any time required beyond 30 days would be considered an unpaid leave of absence.

H. Adverse Weather

When an employee is unable to report to work or reports late to work because of adverse weather conditions, the employee may elect to charge that time against accrued leave or to take a leave without pay.

If, due to adverse weather conditions, the County closes any or all of its essential operations after employees have reported for work, employees will be paid for regular work hours scheduled that day and will not be required to use accrued leave or to take leave without pay.

VII. HOLIDAYS

A. Holidays

The following days shall be recognized and observed as paid holidays subject to the provisions of the following administrative procedure:

| | |
|--|--|
| New Year's Day (January 1) | Labor Day (1st Monday in September) |
| Martin Luther King's Birthday (3rd Monday in January) | Veterans' Day (November 11) |
| Presidents' Day (3rd Monday in February) | Thanksgiving Day (4th Thursday in November) |
| Memorial Day (Last Monday in May) | Christmas Day (December 25) |
| Independence Day (July 4) | |

In December of each year Personnel Services will develop a list of all paid holidays for the upcoming year. This list will be distributed to County staff and posted on all County bulletin boards.

The Friday following Thanksgiving, though not to be construed as a holiday for pay purposes, shall be considered a day off with pay except for those employees required by the County to report for work. An employee required to work shall be given an alternate day off at the mutual convenience of the County and the employee. This alternate day off must be taken before the end of the fiscal year.

B. Weekend Holidays

Whenever a holiday falls on a Saturday, the preceding Friday shall be designated as the holiday. Whenever a holiday falls on a Sunday, the succeeding Monday shall be designated as the holiday.

C. Eligibility

- _____ 1. Employees working in permanent positions budgeted or approved for more than six (6) months shall receive holiday pay for legal holidays.
2. Eligible part-time or job-sharing employees shall be compensated for holidays as follows:
 - a. During the week of a holiday, **COUNTY** may permit part-time employees an opportunity for modification of their work schedule so as to work additional hours in order to receive a normal pay check, including prorated holiday pay, without having to use time management leave or other earned leave.
 - b. In developing an opportunity for a modified work schedule for the week of a holiday, **COUNTY** shall give good faith consideration to part-time employees interests regarding an alternate work schedule provided that **COUNTY's** operational needs can be met. When work requirements are such that a team or work group approach is necessary for productivity and/or effective accomplishment of work, **COUNTY** may develop a single modified work schedule which seems to best accommodate the interests of the majority of the employees on the team or work group and meet the operational needs of the **COUNTY**. The team or work group shall have the option of determining whether to operate using the normal or modified work schedule.
 - c. If the **COUNTY** does not permit part-time employees an opportunity for a modified work schedule for the week of a holiday pursuant to paragraph 1 or 2, above, employees shall receive full holiday pay for the actual hours they would have worked on the holiday.

- d. If part-time employees are offered an opportunity by **COUNTY** for a modified work schedule for the week of a holiday pursuant to paragraph 1 or 2, above, and elect not to change from the normal work schedule, employees must use accrued time management leave or other earned leave to supplement the prorated holiday pay in order to receive a normal pay check or receive a short pay check based on prorated pay for the holiday.
3. Temporary, seasonal or extra help employees shall not receive compensated holidays.

D. Qualification

1. To qualify for paid holiday leave, eligible employees (as defined in section C) must:
 - a. Report for work on the last scheduled workday prior to, and the first scheduled work day following, the holiday; or
 - b. Be on approved paid leave or furlough on the last workday prior to the holiday, the first workday following the holiday, or both.
2. Employees who meet the qualifications stated in section C above but who retire before a holiday occurs, but within the pay period, will receive holiday pay for the holiday following the date of retirement but need not report to work on the day following the holiday. This is in recognition of years of service.

E. Holiday During Paid or Vacation Leave

If an employee is on authorized paid leave or vacation when a holiday occurs, such holiday shall not be charged against such leave or vacation. A holiday does not extend the 90 calendar day County-paid employee medical leave.

F. Holiday Pay

1. Eligible employees shall receive one (1) day's pay for each designated holiday that falls on a day the employee otherwise would work.
2. An eligible, full-time employee, voluntarily working an alternative work schedule, will be required to use accrued Time Management or compensatory time to supplement the eight (8) hours of holiday time off. However, with the approval of the department head or her/his designee, the employee may revert

to a five (5)-day, eight (8)-hour work schedule on any week which includes a holiday.

3. An eligible, full-time employee, required by the County to work an alternative work schedule, shall be paid for the holiday in accordance with the number of hours they normally would have been scheduled to work.
4. Whenever a holiday falls on an employee's scheduled day off, the last normal workday before the holiday or the first normal workday following the holiday (whichever is closer) shall be designated as the holiday. Whenever the holiday falls equally between workdays, the last workday before the holiday shall be designated as the holiday. However, as an option, upon mutual agreement between the department head or her/his designee and the employee an alternate day off may be granted.
5. Eligible employees shall receive one and one-half (1-1/2) times the regular straight-time rate in addition to their regular holiday pay for all work performed on a designated holiday. If the employee and the department head (or her/his designee) agree, an equivalent credit of compensatory time off may be given in lieu of the paid overtime. Such time shall be coded to compensatory time on the time card.
6. The pay provisions of this subsection F shall not apply to classifications designated as exempt. Exempt employees who are required to work on a designated holiday shall receive equal time off at a time convenient to the employee and the County. On the time card, such time shall be coded to the area designated for compensatory time.

G. Personal Time in Lieu of Holidays

1. Exempt employees in the Department of Public Safety within classifications in compensation groups 10, 11, 12 and non-exempt employees in compensation group 09/05, shall receive personal time off in lieu of holidays.
2. Personal time shall accrue at a rate of 3.692 hours per pay period.
3. Personal time off may be taken at times agreed upon by the employee and the County and shall be compensated at the straight-time rate.
4. When terminated, employees who have accumulated personal time up to specified limits shall be paid for such personal time at the straight-time rate.

VIII. INTERPRETATION AND IMPLEMENTATION

Any questions relative to the intent or application of this procedure should be directed to the Director of Management Services, who is delegated the responsibility for interpreting and implementing this procedure.

Authorized:

County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 4/1/98.

