

# Section 6: Leave

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## Policy #1: Time Off

Effective Date: July 1, 2011

**I. Purpose**

The purpose of this policy is to provide a uniform leave benefit policy.

**II. Scope**

This policy shall apply to all persons holding a paid position as an employee of the Town, except the Town Manager, Town Attorney, a member of any appointed or volunteer board or committee, or any others that may be hired or appointed by the Town Board. For this purpose, and subject to the exceptions set out herein, Town employees shall be defined as those employees in departments and offices for which the Town Board serves as the final budget authority.

**III. Background**

None

**IV. Definitions**

None

**V. Legislation**

None

**VI. Policy**

This policy describes the methods used by the Town of Mooresville to provide uniform leave benefits. The policy covers vacations, sick leave, holidays, military leave, bereavement leave, jury/court duty, administrative leave, unauthorized leave, family and medical leave, parental school leave, inclement weather absences, and leaves of absence.

## VII. Provisions

### A. Vacation

#### i. Accrual

Regular full-time employees earn vacation leave as follows:

<u>Years of Service</u>	<u>Days Accrued Per Year</u>
Less than 2	10
2 – 4	12
5 – 9	15
10 – 14	18
15 or more	20

Regular part-time employees earn vacation accrual, as listed above, prorated on the basis of hours worked.

Vacation leave accrues from the hire date.

To accrue vacation for the month, the employee must be hired on or before the 15th day of the month and be in pay status for at least half the month.

#### ii. Usage

Earned vacation leave may be used as approved by the employee's supervisor in accordance with the expectations set forth by the Department Director.

#### iii. Maximum Accrual and Vacation Leave carry over

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than 240 hours of accumulated vacation leave shall have the excess accumulation converted to sick leave. The converted sick leave shall be used in the same manner as accrued sick leave and may only be used for authorized sick leave purposes.

#### iv. Scheduling

Departments will schedule and approve leave based on their customers' needs, departmental operations and employees' interests. The following requirements apply:

- a. Vacation leave may be taken in fifteen-minute increments.
- b. Vacation leave shall not be advanced.

#### v. Transfers, Promotions and Demotions

Transferred, promoted or demoted employees shall retain accrued vacation leave.

vi. Separation/Termination

Employees who have separated their employment with the Town and who have completed their new hire probationary period and who have provide at least two week's notice in the event of a voluntary resignation will be paid for accumulated vacation leave not to exceed a maximum of 30 days.

vii. Rehire

Employees who separate from the Town and are rehired shall not be eligible to use past service for determining accrual rates.

viii. Full-Time to Part-Time

Employees transferring from regular full-time to regular part-time positions will accrue vacation leave on a prorated basis.

B. Sick Leave

i. Accrual

All regular full-time employees earn one day per month of service or twelve days per year.

To accrue sick leave for the month, the employee must be hired on or before the 15th day of the month and be in pay status for at least half the month.

Regular part-time employees earn sick leave as listed above, prorated on the basis of hours worked.

Any regular full-time or regular part-time employee transferring into a temporary or intermittent job will be required to surrender accrued sick leave.

ii. Accumulation

Accumulation of sick leave is unlimited.

iii. Usage

Earned sick leave may be used as approved by the employee's supervisor in accordance with the expectations set forth by the Department Director Sick leave may be used in fifteen-minute increments and may be used for personal illness and injury or routine health care appointments that cannot reasonably be scheduled outside work hours.

iv. Care of Family Members

To assist eligible family members, employees may take accrued sick leave. This assistance will include care for a family member's illness, disability or health appointment. For the purpose of using sick leave, an eligible family member shall be the employee's child, stepchild, parent, stepparent or spouse. A child is defined as a biological, adopted or foster child, stepchild, child of an employee who is standing in *loco parentis* or legal ward of the employee. The child must be under 18 years of age, or 18 years of age or older but incapable of self-care because of a mental or physical disability.

v. Bereavement

Department Directors may allow an employee to use up to 3 days of sick leave per occurrence for deaths within the employee's immediate family. For the purpose of bereavement leave, "immediate family" is defined as an employee's parent, child, spouse, sibling, grandparent, grandchild, including individuals related by marriage (in-laws or step relationships). Vacation or holiday leave and compensatory time may be used to supplement bereavement leave, upon request and approval. Employees may be required, at the discretion of the supervisor, to present proof of death.

vi. Worker's Compensation Disability Leave

Sick leave may be used to supplement Worker's Compensation Disability leave both during the waiting period before benefits begin and afterward to supplement the remaining 1/3 of salary. An employee may not exceed the regular gross salary amount using this provision.

vii. Proof of Illness May Be Required

Department Director's or their designee may require satisfactory proof of illness at any time the employee is away from work using sick leave. The Department Director may also require a statement from the attending physician of the need for an employee to remain at home to attend to a sick child, spouse or parent. A Department Director may disallow use of sick leave in the absence of satisfactory proof of need. A Department Director may require the employee to furnish a statement from the attending physician confirming the employee's ability to resume his/her job duties before permitting the employee to return to work.

viii. Illness While on Vacation

Employees who become ill or are injured during vacation may request that the vacation be terminated and the illness or injury time be converted to sick leave.

ix. Separation/Termination

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except for employees retiring, terminated due to a reduction in force, or who resigned in good standing.

a. Retirement

Employees who retire from the Town may convert accrued sick leave into service credit in accordance with the North Carolina Local Government Employees Retirement System rules.

b. Reduction in Force

Employees who have been separated from Town employment due to a reduction in force and are reemployed with the Town within one year from the date of separation may be credited with the previously accrued sick leave balance.

c. Resignation in Good Standing

Employees who resigned while in good standing and are reemployed with the Town within one year from the date of separation may be credited with the previously accrued sick leave balance.

x. Transfer

Sick leave accumulated during prior employment may be transferred to a new employee's sick leave balance upon employment with the Town. The new employee must be an active enrollee in a state or local government retirement system under the umbrella of the North Carolina State Treasury Department. The new employee must provide a certified accounting from the employee's previous state or local government employer, of the sick leave balance which was available for the employee's use at the time of termination and for which the employee received no compensation.

C. Holidays

i. Schedule

Official Town of Mooresville holidays will be published and distributed annually by the Department of Human Resources. The following days and other such days the Board of Commissioners may designate are holidays with full pay for regular part-time and regular full-time employees:

New Years Day  
Martin Luther King's Birthday  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving  
Day after Thanksgiving  
Christmas (see schedule below)

ii. Christmas Schedule

When Christmas Falls On:

Sunday  
Monday  
Tuesday  
Wednesday  
Thursday  
Friday  
Saturday

The Town Observes:

Friday and Monday  
Monday and Tuesday  
Monday, Tuesday and Wednesday  
Tuesday, Wednesday and Thursday  
Wednesday, Thursday and Friday  
Thursday and Friday  
Friday and Monday

iii. Non-Official Holidays

Employees desiring to observe religious or other holidays not coinciding with official holidays may be given time off without pay or may be authorized to use accrued vacation leave.

iv. Regular Part-time Employees

Regular part-time employees shall be entitled to prorated holiday leave based on the hours worked.

v. Department Schedules

The policy of the Town will be for as many employees as possible to have approved holidays off consistent with the maintenance of essential Town functions. Holiday time off will be based on department needs and supervisor approval. Work schedules shall be based on department needs, and supervisors will determine holiday work schedules based on these needs. Department Directors shall ensure that eligible employees working unusual schedules or shifts receive the full number of official holiday hours.

vi. Employees Scheduled to Work on a Holiday

Employees scheduled to work on holidays will: (a) be scheduled for another day off, or (b) receive their choice of holiday pay plus pay for hours actually worked.

vii. Holiday on Off Duty-Day

If a holiday falls on a regularly scheduled off-duty day, the employee will be scheduled for another day off.

viii. Effect on Other Types of Leave

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

ix. Eligibility

In order to receive a paid holiday, the employee must have been in a paid status the day before and the day after the holiday.

x. Rollover and Sick Leave Conversion

Employees are allowed five holidays to be carried forward from December 31 to January 1 with any remaining holiday hours being converted to sick leave.

D. Civil Leave

Employees required by summons to report for jury duty (including grand jury duty), or who are impaneled as a juror or alternate juror, shall receive their regular pay during the time period directly related to jury duty (not to exceed 40 hours of jury duty pay per week.) (Fire department shift employees may receive up to 48 hours of jury duty pay per week.)

i. Jury Duty

Employees requesting pay for work time spent on jury duty must present proof of attendance from the presiding court before pay can be issued. Upon release from jury duty, employees must return to their assigned work location. Employees failing to return to work during their normal work hours are subject to disciplinary action.

ii. Official Town Business

Employees who are subpoenaed to appear in court or before any other judicial or administrative body for and on behalf of official Town business or on behalf of the county, state or federal government for services related to Town duties, shall be compensated in accordance with the procedures specified under Jury Duty above. Employees subpoenaed to appear as a witness on behalf of the Town, county, state or federal government for service related to Town duties will be compensated for time spent in court in accordance with the procedures specified under Jury Duty above. Employees requesting pay shall provide a copy of the subpoena and, if available, proof of attendance by the court or respective administrative body.

iii. Personal/Private Business

Employees will not be paid for time off to conduct personal or private legal business. Vacation or compensatory time may be used if approved by the supervisor.

E. Military Leave

i. Training

- a. Employees are entitled to take leave without pay for military training in accordance with state and federal laws for a cumulative maximum of two weeks (14 calendar days) in any federal fiscal year (October-September).
- b. Employees must notify their supervisors immediately upon receiving notification, or not less than thirty (30) days before their pending duty, whichever occurs first.
- c. Employees whose training duty extends beyond the 14 calendar days will be treated as employees in non-pay status. Employees with accrued vacation leave may request to use such leave through their supervisors. This will not affect their military leave status.

ii. Active Duty

Employees are entitled to take leave without pay for active military duty in accordance with state and federal laws for a cumulative maximum of five years. Employees must notify their supervisors immediately upon receiving notification, or not less than thirty (30) days before their pending duty, whichever occurs first.

iii. Duty Verification

Employees shall provide written performed duty verification as soon as possible, but no later than their return to work. Verification is necessary in order to confirm payment of military pay and to confirm the veteran's re-employment rights. Verification may include, but is not limited to, orders, drill letters, training schedule and signed duty verification from the officer in charge.

iv. Supplemental Pay

- a. Any full-time regular employee who has been called to active duty by a Presidential Order or is participating in

annual military training will receive supplemental pay if his/her military salary is less than his/her Town salary.

- b. "Military salary" means all monies paid to active duty military personnel as defined in the Defense Finance and Accounting Service (DFAS) Military Pay Table in effect for the requested period.
  - c. Supplemental pay is subject to all regulatory tax and retirement withholdings and is treated as regular pay for retirement plan purposes.
  - d. Supplemental pay is available until an employee is no longer called to actively serve in the military, his/her monthly military salary exceeds his/her regular Town salary, or for up to five (5) years, whichever occurs first.
  - e. Each employee requesting supplemental pay must submit copies of his/her monthly military pay stubs to the Payroll Department to receive supplemental pay from the Town.
  - f. The supplement will not be paid for any additional time taken, as allowed by law, between release from duty and the employee's return to work.
  - g. The Town will continue to make health, dental and life insurance benefit coverage available to employees called to active military duty as long as the employee continues to pay his/her contribution, or until the Town receives written instructions from the employee to change or discontinue coverage. Employees who are called to active duty and desires to continue their health, dental and/or life insurance coverage while serving in the military must advise the Payroll Department how they will pay for their portion of the premium. If the employee elects to continue coverage and
    1. Receives Supplemental Pay- The employee may request that the Town deduct his/her portion of the insurance premium from the supplemental pay. If the employee's premium exceeds his/her supplemental pay, the employee must pay the difference to satisfy his/her portion of the premium.
    2. Receives No Supplemental Pay - All payments for the continuation of coverage must be coordinated through the Payroll Department.
- v. Reemployment Rights
- Upon returning from military leave, the employee is entitled to reemployment rights and maintenance of employment benefits is the employee meets all of the following eligibility criteria:

- a. The employee must have given formal advance notice to the Town that he or she was leaving the job for service in the uniformed services;
- b. The employee must have been released from service under honorable conditions; and
- c. The employee must have reported back to the Town of Mooresville as stipulated in the "Return to Work Notification" section below.

vi. Return to Work Notification

A returning employee's notification of intent to return to work must be made promptly following the completion of military service. Time limits for returning to work depend on length of a person's military service.

- a. Military Service of 1 to 30 days  
Returning employees whose military service was less than 31 days must report to the Town of Mooresville either on the first day of the first regularly scheduled work period following completion of service, or as soon as possible.
- b. Military Service of 31 to 180 days  
Returning employees whose military service was more than 30 days, but less than 181 days must contact the Department of Human Resources no later than 14 days following the completion of military service.
- c. Military Service of more than 180 days  
Returning employees, whose military service is for more than 180 days, must contact the Department of Human Resources no later than 90 days from the completion of service.
- d. Notice by disabled persons  
Employees who are hospitalized from injuries incurred by military service may apply for reemployment within 2 years.
- e. Failure to give timely notice  
If a returning employee fails to notify the Department of Human Resources or report to work within specified time limits, the employee will be subject to the Town of Mooresville's rules governing unexcused absences.

vii. Returning Employees' Job Rights

The position to which a returning employee is entitled also depends on the length of military service.

- a. Service of 90 days or less  
Returning employees whose military service was less than 91 days are entitled to return to the position in which they were employed or would have been employed if their employment had not been interrupted.

b. Service of more than 90 days

Returning employees whose military service was for more than 90 days are entitled to return to the position in which they were employed, would have been employed, or a position of like seniority, status and pay, the duties of which the person is qualified to perform.

F. Parental School Leave

All employees who are parents, guardians or who stand in loco parentis of a school-aged child shall be granted four (4) hours of leave per year so that the employee may attend or otherwise be involved at that child's school. The employee may use such leave in any desired increment of time and may use up to four (4) hours of accrued vacation or holiday leave, compensatory time or unpaid leave for such purpose. Request for such leave shall be handled in accordance with departmental leave policies.

For purposes of this subsection, school shall mean any (1) public school, (2) private church school, church of religious charter, or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes that regularly provides a course of grade school instruction, (3) preschool and (4) child day care facility as defined in G.S. 110-86(3). No employee shall be discharged, demoted or have an adverse employment action taken against the employee for requesting or taking leave pursuant to this section.

G. Family Medical Leave

Eligibility for leave under the Family and Medical Leave Act (FMLA) requires that employees must have worked for the Town for a total of twelve months and at least 1250 hours in the previous 12 months. Up to 12 workweeks of Family Medical Leave may be granted during a 12-month period (See: Section 6: Policy #2 – FMLA)

H. Inclement Weather

Town services will be maintained during inclement weather, such as heavy snow or ice storms, and all employees are expected to report to work. Employees unable to report to work due to poor road conditions or other weather-related problems have three options available in order to be paid for hours missed:

- i. Make up the time during the same pay period;
- ii. Use accrued vacation leave; or
- iii. Use compensatory time.

Prior Department Director approval shall be obtained before any of these options may be utilized.

I. Administrative Leave

Employees may receive paid administrative leave for official business or other work-related matters as designated by the department director or designee. Other authorized purposes may include, but are not be limited to: investigative proceedings, professional conferences and conventions, training activities, legislative proceedings, civic functions, or any other purpose deemed to be in the Town's best interests.

J. Leave Without Pay

Leave without pay for justifiable reason may be granted by the Department Director to any regular full-time or regular part-time employee, not to exceed thirty (30) days within any twelve-month period of time. Leave for a longer period of time must be approved by the Town Manager or his designee not to exceed one (1) year per event unless required by law. Unless required by law, an employee on leave without pay shall not accrue benefits. Additionally, an employee on any amount of leave without pay will not receive service credit in the retirement system for that time period or any portion of that time period, even if combined with paid leave. Under such circumstances, the employee's vesting rights, eligibility for retirement and benefits in the retirement system will be affected.

With the exception of unpaid leave covered under FMLA and military leave, an employee, in order to be eligible for leave without pay, must first exhaust all accrued paid leave, available and eligible for the situation for which leave without pay is being requested. Once the unpaid leave, covered under FMLA and the laws regarding military leave, has been exhausted, the employee must first exhaust all remaining accrued, available and eligible paid leave for the situation before requesting additional leave without pay.

Except as otherwise provided, an employee on leave without pay for more than thirty (30) days shall be required to pay the full cost (employee's and employer's share) of all insurance benefits including health, dental, vision and life insurance until the employee returns to work in a position that is eligible for benefits. Employees on a leave of absence covered by FMLA or Worker's Compensation are required to pay the employee's normal share of the costs of employee health, dental and life insurance benefits through payroll deduction or directly. Once the leave of absence granted under FMLA or the Workers' Compensation Act has expired, the aforementioned thirty-day period will commence to run and the aforementioned provisions shall apply.

K. Unauthorized Leave

Employees failing to report for duty or failure to remain at work as scheduled without proper notification, authorization or excuse shall be considered to be on unauthorized leave of absence and shall not be in pay status for the time

involved. Unauthorized leave of absence constitutes abandonment of duties and can result in dismissal.

**VIII. Authorization**

Approved by:

Erskine Smith  
Town Manager

July 1, 2011  
Date