

SECTION 10 LEAVE

10.1 ANNUAL LEAVE

10.1.1 ELIGIBILITY Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee is eligible to accrue annual leave beginning the date the employee becomes a County employee. Annual leave may be used after it has been accrued upon the approval of the employee’s supervisor.

10.1.2 ACCRUAL Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee accrues annual leave for each hour actually worked, excluding overtime, and for each paid hour according to the schedule below. Full-time and part-time classified, term and probationary employees are authorized a maximum of two hundred and forty (240) hours of annual leave to be carried forward to the next calendar year. At-will employees are authorized a maximum of three hundred and twenty (320) hours of annual leave to be carried forward to the next calendar year. Annual leave shall not be granted in advance of accrual.

Annual Leave Accrual Schedule for Probationary, Term, At-Will, and Classified Employees

| <u>Years of Eligible Service</u> | <u>Annual Hours Accrued Per Hour of Work</u> |
|----------------------------------|--|
| 0 thru 1 year inclusive | .0385 |
| 1 thru 5 years inclusive | .0577 |
| 5 years or more | .0766 |

Annual Leave Accrual Schedule for Law Enforcement Non-Union Employees

| <u>Years of Eligible Service</u> | <u>Annual Hours Accrued Per Hour of Work</u> |
|----------------------------------|--|
| 0 thru 1 year inclusive | .0385 |
| 1 thru 5 years inclusive | .0577 |
| 5 thru 10 years inclusive | .0766 |
| 10 thru 15 years inclusive | .0807 |
| 15 years or more | .0885 |

10.1.3 REQUESTING ANNUAL LEAVE An employee seeking to take annual leave must submit a *Request for Leave Form* to his or her supervisor with notice consistent with annual leave requested. For example, if one day is requested, one day notice is required. The supervisor shall grant any reasonable request, but shall also consider the Department's workload, present staffing levels and other job-related factors when deciding whether to grant the request.

10.1.4 ANNUAL LEAVE COMPENSATION During the period of annual leave, an employee shall receive the employee's hourly base rate of pay, multiplied by the number of regular hours the employee would have worked during the annual leave. An employee on annual leave shall not be compensated for overtime that might have accrued had he or she not been on annual leave nor shall the employee receive shift differential pay while on annual leave.

10.1.5 DONATION OF ANNUAL LEAVE Employees may donate annual leave to another employee due to medical circumstances for which the recipient employee would be entitled to a leave of absence pursuant to the applicable section in this handbook.

10.1.6 REQUEST FOR ANNUAL LEAVE DONATIONS. An employee may request donations of annual leave from other employees upon the approval of the Division Director, Department Director/Elected Official, the Human Resources Director and County Manager if the employee has less than 20 accrued hours including sick leave, annual leave, or compensatory leave. An employee seeking donations of annual leave shall submit a *Request for Annual Leave Donations Form* to his or her supervisor. Upon all appropriate approvals, the Human Resources Division will announce the request of annual leave donations. Upon receipt of donations, the Human Resources Division will transfer the donated annual leave from the donating employee to the sick leave balance of the recipient employee, converting the dollar value of the donor's leave, based on the donor's hourly rate of pay, to hours of leave based on the recipient employee's hourly rate of pay. The recipient employee shall not use donated leave until exhausting all accrued annual and sick leave, compensatory time, and personal leave day. When the recipient employee returns to work, any remaining donated leave shall revert to the donor employees on a prorated basis. Leave donated to an employee shall not exceed 480 hours.

10.2 SICK LEAVE

10.2.1 ELIGIBILITY Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee is eligible to accrue sick leave with pay to be used to attend medical appointments, for illness or injury, or to care for an ill or injured immediate family member beginning the date of hire. For purposes of this section, an "immediate family member" is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son- and daughter-in-law, brother and sister-in-law, domestic partner, domestic partner's child, and domestic partner's parent.

10.2.2 ACCRUAL Each full-time, part-time, classified, probationary, term and at-will employee accrue sick leave for each hour actually worked excluding overtime and for each hour paid at 0.0385 per hour worked.

10.2.3 REQUESTING SICK LEAVE Employees who are unable to report to work due to illness or injury are required to speak to their supervisor at least 30 minutes before the scheduled start of the shift, unless otherwise specified by the Division Director, Department Director/Elected Official. If an employee has a planned doctor's appointment, the employee shall request the time off at least two days prior to the appointment.

10.2.4 PHYSICIAN'S STATEMENT If an employee is absent from work for three or more consecutive days due to illness or injury, a physician's statement may be required

to verify the illness or injury, estimate its duration or certify that the employee may safely return to work.

10.2.5 COMPENSATION WHILE ON SICK LEAVE While on sick leave, each employee shall receive the employee's hourly base pay rate at the time of the illness, physician's appointment, or injury multiplied by the number of regular hours the employee would have worked had he or she not needed to use sick leave. An employee on sick leave shall not be compensated for overtime which might have accrued, nor shall the employee receive any shift differential pay while on sick leave. Paid sick leave may be used in minimum increments of one-half (1/2) hour.

10.2.6 TRANSFERABILITY Sick leave is not transferrable.

10.2.7 ABUSE OF SICK LEAVE Employees may use sick leave only for the reasons set forth in the applicable section of this handbook. Use of sick leave for other reasons is not permitted. In the event the County has reason to believe that an employee is using sick leave for other reasons, the employee may be required to provide a statement from a physician for each day sick leave is claimed. Abuse of sick leave may be grounds for disciplinary action, up to and including termination.

10.3 HOLIDAYS

10.3.1 ELIGIBILITY Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee is entitled to time off from work with pay during holidays. Holidays are approved annually by the Board of County Commissioners. Departments who have twenty-four hour shifts may, with the approval of the Human Resources Director, observe holidays on the actual holiday for the calendar year.

10.3.2 COMPENSATION DURING THE HOLIDAY During a holiday, each employee who works the holiday will receive holiday pay at straight time at the employee's base rate of pay and time and one half for all hours actually worked. Employees who do not work the holiday will receive holiday pay at straight time at the employee's regular hourly rate of pay for the normal regular scheduled hours. An employee on holiday pay shall not be compensated for overtime which might have accrued had he or she worked. An employee must be in a work or paid leave status on their scheduled work day immediately preceding and following the holiday.

10.3.3 HOLIDAY ON DAY OFF If a holiday falls on an employee's day off, the employee may take another day off during the same week to compensate for the missed holiday or be paid holiday reimbursement for that day.

10.4 PERSONAL LEAVE Each full-time and part-time classified employee, term employee and unclassified at will employee shall receive one personal leave day with pay each calendar year. An employee shall accrue one personal leave day on their one (1) year anniversary date. Each year after that, each employee will accrue a personal day in January. A personal leave day must be scheduled in the same manner as annual leave. Personal leave must be taken by the last full pay period in December of the year of accrual and may not be carried over into the following calendar year. Personal leave cannot be taken in separate blocks of time.

10.5 BEREAVEMENT LEAVE Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee shall be eligible to use up to three (3) days of bereavement leave in the event of the death of an immediate family member. For purposes of this section, an “immediate family member” is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son- and daughter-in-law, and brother and sister-in-law, domestic partner, domestic partner’s child and domestic partner’s parent.

10.6 MILITARY LEAVE Each full-time and part-time classified employee, probationary employee, term and unclassified at-will employee who is a member or reserve member of the U.S. Armed Forces or a state militia group may obtain military leave with pay when ordered to duty with the armed forces. An employee shall provide the County with the orders. The duration of the paid leave is limited to that required by federal law, but the County Manager may approve additional leave. If the period of duty exceeds that required by federal law, the employee may use accrued annual leave, accrued compensation time, the employee’s personal leave day or leave without pay for the duration of the employee’s duty period. Upon return from military leave, an eligible employee is entitled to rights under the Federal Uniformed Services Employment and Reemployment Rights Act.

10.7 COURT DUTY Each full-time and part-time classified employee, probationary employee, and unclassified at- will employee may take court leave with pay when required to serve as a juror or as a witness in any state or federal court at a time when the employee would normally be working, except in a matter unrelated to the performance of the employee’s duties in which the employee is a litigant. An employee may not take court leave to litigate against the County. If excused from duty by the court when four (4) or more work hours remain in the employee’s work day, the employee shall return to work. If an employee elects to take court leave with pay, any fee paid to the employee as a juror or witness must be paid to the County.

10.8 ADMINISTRATIVE LEAVE Any employee may be placed on administrative leave with pay when it is in the best interests of the County to do so. The County Manager must authorize administrative leave.

10.9 LEAVE WITHOUT PAY Any employee may be placed on leave without pay when the circumstances and best interests of the County dictate that unpaid leave is appropriate. Leave without pay greater than one full pay period may only be authorized by the Department Director upon recommendation of the Human Resources Director. During unpaid leave, an employee shall not accrue any of the benefits described in this *Human Resources Handbook*. An employee shall not accrue leave while on leave without pay. To the extent permissible by law, the County will not make any of its normal contributions to the employee's retirement, insurance or benefit program during unpaid leave. Failure of an employee to report to work as required following the expiration of his or her approved leave without pay shall be considered a voluntary resignation.

10.10 FAMILY AND MEDICAL LEAVE The Federal Family Medical Leave Act (FMLA) provides for a leave of absence for a serious health condition, to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child, or to care for a child, spouse, or parent with a serious health condition, or "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation." It also is to permit a spouse, son, daughter, parent, or next of kin to take up to twenty-six (26) workweeks to care for a "member of the Armed Forces including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

10.10.1 An employee must request Family and Medical Leave on a form provided by the Human Resources Division. Each eligible employee is entitled to take up to twelve (12) weeks unless otherwise stated, of Family and Medical Leave during a twelve month period. Eligibility is determined by reference to Federal law. If an employee has questions concerning eligibility, he or she should consult the Human Resources Division. Employees requesting family leave are required to provide a statement from a health care provider, on a designated Human Resources form, concerning the need for such leave.

10.10.2 Family and medical leave is unpaid leave. Employees may use accrued annual leave, sick leave, personal holiday, or compensatory time. Family Medical Leave is concurrent with all other leave. During FML, the County will continue to pay its portion of the cost of any medical benefits that the employee had at the time the leave began.

The employee shall pay to the County or appropriate company the portion of the premium the employee would have had to pay had he or she been working. Intermittent leave shall be granted in accordance with the FMLA.

10.10.3 Employees are prohibited from having employment elsewhere while on Family Medical Leave with Santa Fe County.

10.11 LEAVE FOR INCLEMENT WEATHER/EMERGENCY SITUATIONS The County expects to remain open and in full operation regardless of weather conditions, transportation disruptions or other emergencies. Therefore, all employees are expected to report to work during such conditions. On rare occasions, the County Manager may close offices, send non-essential employees home, and grant administrative leave with pay provided an employee was originally scheduled to work or did not call in sick during the closing due to inclement weather or an emergency situation. Essential employees are employees who have responsibility for public health, safety, and welfare. Essential employees are required to remain at or report to work as scheduled unless otherwise notified by their immediate supervisor. Failure of essential employees to remain or to report to work may result in disciplinary action up to and including termination.

10.12 MENTORSHIP/VOLUNTEER LEAVE The County Manager may grant a full-time or part-time classified employee, a non-classified at-will employee, or a term employee one and one-half hours per week of paid administrative leave to participate in a County approved mentorship/volunteer program. Employees must have completed their probationary period to be eligible for this leave. A *Request for Mentorship/Volunteer Leave Form* must be complete and approved by the employee's immediate supervisor, Division Director, Department Director, and Human Resources Director prior to the scheduled leave.

10.12.1 Mentorship/Volunteer leave shall be documented appropriately on timesheets.

10.13 EDUCATIONAL LEAVE Educational leave may be granted at the discretion of the immediate supervisor, Division Director, Department Director or Elected Official and the Human Resources Director. An employee may request educational leave up to four (4) hours per work week to attend classes for courses during the normal business hours of 8:00 a.m. to 5:00 p.m. and that are directly related to the employee's job or for a degree program that is directly related to the employee's job.

10.13.1 Educational leave is to be used for actual class attendance and travel time to the institution. It will not be used for study or homework time. Educational leave may be disapproved on any given day because of an emergency or unusual work condition. Educational leave must be requested prior to the intended time of the requested leave.