



10.1 ANNUAL LEAVE

A. Eligibility

1. All Town employees, except for temporary and part-time, non-benefited employees (see definition in Policy 2) are eligible to accrue annual leave.
2. All Town employees eligible to accrue annual leave are eligible to use their accrued annual leave after 90 calendar days of employment.

B. Accrual of Annual Leave

1. Eligible employees start accruing annual leave from their date of hire.
2. Part-time benefit eligible employees accrue annual leave at half the rate of full-time employees.
3. Employees who are on any unpaid leave of absence (except for FMLA or Military leave) for an entire pay period (80 hours) will not accrue annual leave.
4. Annual leave accrual is cumulative, up to the maximum number of hours permitted by this policy.

C. Annual Leave Accrual Rates

1. Accrual rates shall be at the rate specified below and are based on years of service and Federal Labor Standards Act (Exempt or Non-Exempt) status:

a. Full-time / Non-Exempt Rate:

Years of Service	Hours Per Pay Period	Approximate Hours Per Year	Maximum hours to be Accrued
1 – 5	3.6923	96	144
6 – 10	5.2308	136	204
11 - 20	6.7692	176	264
20 & over	6.7692	176	300

b. Full-time / Exempt Rate:

Years of Service	Hours Per Pay Period	Approximate Hours Per Year	Maximum hours to be Accrued
1 – 5	5.2308	136	204
6 – 20	6.7692	176	264
20 & over	6.7692	176	300



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c. Full-time / Department Heads

Years of Service	Hours Per Pay Period	Approximate Hours Per Year	Maximum hours to be Accrued
Upon hire	6.7692	176	264
20 & over	6.7692	176	300

2. For the purpose of determining length of service, the year noted begins on the day after the preceding anniversary. Changes in accrual rates are effective in the following pay period.

D. Maximum Number of Accrued Annual Leave Hours

1. An employee's annual leave balance shall not exceed the number of hours they would accrue in 18 months of service (see charts above).
2. Employees with more than 20 years of credited service may accrue up to 300 hours.
3. Hours accrued in excess of the maximum allowed become void at the end of each pay period.

- a. Exceptions may be granted at the request of the Department Head, concurrence of the Human Resources Director, and approval of the Town Manager.

E. Use of Annual Leave

1. Employees shall submit an annual leave request to their immediate supervisor in accordance with department policy. Requests will be reviewed by their supervisor and/or Department Head. Approval is based on a number of factors, including department need and staffing requirements.
2. Department Heads may require an employee to postpone or change their scheduled annual leave for good cause relating to Town services.
3. Accruals at the end of the current pay period are not available for use until the following pay period.
4. Annual leave should not normally be charged against Exempt employees for partial day absences.
5. Annual leave shall not be charged for Town holidays.

F. Annual Leave at Employment Termination

1. Employees will be paid in a lump sum for all unused accrued annual leave as of the effective date of termination.
2. Deceased employees will have their lump sum paid to their estate.



10.2 SICK LEAVE

A. Eligibility

1. All Town employees are eligible to accrue sick leave at the following rates:

Full-time (32+ hours per week)	3.6923 per pay period
Part-time/benefit eligible (hired before July 1, 2017)	1.8462 per pay period
All part-time/non-benefit eligible and those part-time benefit eligible hired after July 1, 2017	1-hour of paid sick leave for every 30-hours worked, capped at 40-hours per calendar year

B. Accrual of Sick Leave

1. Employees start accruing sick leave from their date of hire.
2. Part-time, benefit eligible employees hired before July 1, 2017 accrue sick leave at half the rate of full-time employees. Part-time, benefit eligible employees hired after July 1, 2017 will accrue paid sick leave at a rate of one hour earned for every thirty hours worked, capped at 40-hours per calendar year.
3. Part-time, non-benefit eligible employees accrue paid sick leave at a rate of one hour earned for every thirty hours worked, capped at 40-hours per calendar year.
4. Employees who accrue sick leave on a per period basis and are on any unpaid leave of absence (except for FMLA or Military leave) for an entire pay period (80 hours) will not accrue sick leave.
5. Sick leave will accrue without limit.

C. Use of Sick Leave

1. Sick Leave is offered as a benefit to help minimize employee financial hardship as the result of family emergencies, illnesses or medical needs. Sick leave is not to be used as additional paid annual leave or for discretionary purposes. Sick leave, as provided below, complies with the requirements of Arizona Revised Statutes, Title 23, Article 8.1 regarding earned paid sick time.
2. Accruals at the end of the current pay period are not available for use until the following pay period.
3. Employees may be permitted to use sick leave for the following reasons:



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- a. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care.
 - b. Care of a family member (see Personnel Policy 2 for definition) with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care.
 - c. Closure of the employee's place of business by order of a public official due to a public health emergency.
 - d. An employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency.
 - e. Care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.
 - f. Absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:
 - i. Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, and abuse or stalking.
 - ii. Services from a domestic violence or sexual violence program or victim services organization.
 - iii. Psychological or other counseling.
 - iv. Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking.
 - v. Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.
4. Sick leave will not be charged against an employee's accrued balance for a Town holiday.
5. An employee using annual leave who encounters an event that qualifies for sick leave may, upon supervisor approval, charge the time to accrued sick leave.



D. Sick Leave Requests

1. Sick leave may be taken with approval from the supervisor and/or Department Head.
2. Sick leave shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means that provides suitable notice. When possible, the request shall include the expected duration of the absence.
3. For unplanned absences, employees will notify their supervisor prior to the start of their shift or as soon as possible that they will be absent from work and the reason for their absence.
4. If the absence is for two or three consecutive days or for an unknown duration, the employee is required to keep their supervisor informed of their anticipated return to work date.
5. The employee or supervisor will notify Human Resources of absences that exceed three consecutive days to determine FMLA and/or ADA eligibility.
6. When the use of sick leave is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time in advance of the use of the sick leave and shall make a reasonable effort to schedule the use of sick leave in a manner that does not unduly disrupt the operations.
7. Employees will not be required to search for or find a replacement worker as a condition of employees taking sick leave.
8. Sick leave may be used in the smallest increment that the payroll system allows, which is currently 15 minutes.
9. Requests for sick leave immediately prior to an employee's separation from employment, even if for retirement, may not be granted without medical verification.

E. Verification of the need for sick leave

1. Sick leave for more than three consecutive work days may require reasonable documentation that the sick leave has been used for an authorized purpose.
2. Documentation signed by a healthcare professional indicating that sick leave is necessary shall be considered reasonable documentation for the purposes of this section.
3. In cases of domestic violence, sexual assault, abuse or stalking, one of the following types of documentation, selected by the employee, shall be considered reasonable documentation:
 - a. A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual violence, abuse or stalking.



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- b. A protective order; injunction against harassment; a general court order; or other evidence from a court or prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual violence, abuse, or stalking.
 - c. A signed statement from a domestic violence or sexual violence program or victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual violence, abuse, or stalking.
 - d. A signed statement from a witness advocate affirming that the employee or employee's family member is receiving services from a victim services organization.
 - e. A signed statement from an attorney, member of the clergy, or a medical or other professional affirming that the employee or employee's family member is a victim of domestic violence, sexual violence, abuse or stalking.
 - f. An employee's written statement affirming that the employee or the employee's family member is a victim of domestic violence, sexual violence, abuse, or stalking, and that the leave was taken for one of the purposes stated in this section. The employee's written statement, by itself, is reasonable documentation for absences under this section. The written statement does not need to be in an affidavit format or notarized, but shall be legible if handwritten and shall reasonably make clear the employee's identity, and if applicable, the employee's relationship to the family member.
 - g. The provision of documentation does not waive or diminish any confidential or privileged communications between a victim of domestic violence, sexual violence, abuse or stalking.
 - h. The provision of this documentation will not require explanation the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.
- 4. If an employee exhibits an unusual pattern of sick leave absences, the Department Head or designee should consult with the Human Resources Director to determine whether verification of the need for sick leave is required.
 - 5. If the employee fails to provide the requested verification statement or if the statement is inadequate (as determined by both the Department Head and Human Resources Director) the absence may be charged to another category of leave or considered leave without pay.
 - 6. All verification statements will be forwarded to Human Resources and will be placed in the employee's Human Resources file separate from the personnel file.
- F. Return to Work



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1. If the Department Head or Town Manager, in consultation with the Human Resources Director, believes that an employee's return to work is a health or safety issue to the employee and/or their co-workers, the employee will submit a medical release from a health care provider.
 2. All physician statements will be forwarded to Human Resources and will only be placed in the employee's medical file.
 3. If the employee is released to return to work with restrictions, the department must follow the Administrative Directive on Transitional/Light Duty.
- G. Transfer of Unused Sick Leave: (employees accruing on a per pay period basis)
1. On the first day of the pay period following July 1, sick leave may be transferred to annual leave as follows:
 - a. Any unused portion of the first 56 hours of sick leave accrued in the previous fiscal year in excess of 480 hours will be transferred automatically.
 - b. The transfer may not cause the employee to have an annual leave balance greater than their maximum accrual.
 - c. Any employee may request prior to July 1 that their sick leave not be transferred.
 - d. Any sick leave not transferred will remain as sick leave.
- H. Payment of Sick Leave Upon Termination from Town Employment: (employees accruing on a per pay period basis)
1. One-half of an employee's accrued sick leave beyond 480 hours will be paid to the employee upon separation from employment.
 2. Employees terminated for cause will not receive any payout for unused sick leave.
 3. In the event of an employee's death, one-half of the sick leave balance in excess of the 480 hours shall be paid to the estate of the former employee. If an employee dies as a direct result of performing their duties, 100% of the employee's sick leave hours that have accrued above 480 hours shall be paid to the estate of the former employee.
 4. If an employee is re-employed within nine months of their termination date, the employee shall have their previous accumulated sick leave balance restored.



10.3 ADMINISTRATIVE LEAVE

- A. Up to ten days of leave with pay may be granted to Town employees by the Town Manager. More extended periods with pay require the approval of the Town Council. Examples of situations where leave with pay might be granted include, but are not necessarily limited to the following:
1. Administrative leave for exempt employees due to extenuating conditions of employment.
 2. Investigatory leave which is non-punitive in nature.
- B. In considering whether leave with pay will be granted, the Town Manager shall use the following criteria:
1. The amount of paid and unpaid leave already taken by the employee in the year preceding the request for paid leave.
 2. The employee's overall attendance.
 3. The employee's previous performance ratings.
 4. The length of the employee's tenure with the Town.
 5. The amount of other paid leave time which is available to the employee, including consideration of any accrued compensatory time, annual leave or sick leave which may be available.
 6. The employee's previous administrative leave requests.

10.4 LEAVE OF ABSENCE WITHOUT PAY

- A. The Town Manager may grant an employee a leave of absence without pay in accordance with the following conditions.
1. In no event will a leave of absence without pay be granted for a period of more than one year.
 2. Employees who have not returned from any leave of absence after one year will be deemed to have voluntarily resigned from the Town of Oro Valley.
 3. Prior to the completion of 12 calendar months of continuous service with the Town such leave will only be granted for significant and extenuating circumstances. Total unpaid leave at this level will generally not exceed two weeks.



4. Subsequent to the completion of one year of continuous service, and prior to the completion of five calendar years of service, an employee may be granted up to 60 calendar days of leave of absence without pay.
 - a. Approval from the Human Resources Director, Department Head and the Town Manager must be obtained.
5. After the completion of five calendar years of continuous service, an employee may be granted up to one year of leave of absence without pay with the approval from the Human Resources Director, Department Head and the Town Manager.
6. Employees may combine paid leave with unpaid leave of absence. However, the use of unpaid leave, accrued annual leave and accrued compensatory time off, or any combination thereof, shall be subject to approval from the Human Resources Director, Department Head and Town Manager.
7. Time on leave of absence without pay shall not be credited as continuous service, and shall not be counted toward eligibility for additional leave of absence time or for seniority or other benefits.
8. During an approved unpaid leave of absence, the employee may continue their coverage for health, dental, or disability plans by continuing to pay full costs of the program including any portions normally paid by the Town.
9. No leave of absence without pay shall be granted without the written request of the employee, setting forth the reason and expected duration of the leave. Upon the expiration of an approved leave the employee shall be reinstated to a like or similar position as that held at the time leave was granted, if available and if the employee returns to work.
10. Failure on the part of an employee on leave to report upon the expiration of the leave shall be voluntary resignation from employment.

10.5 UNAUTHORIZED LEAVE

- A. An employee who is absent without authorization shall:
 1. Be designated as "Absent Without Leave".
 2. For payroll purposes, be recorded as leave without pay for the period of such absence.
 3. Be subject to appropriate disciplinary action, up to and including termination.
- B. An employee who is absent without authorization for three consecutive working days will be considered as having abandoned his/her job and will be terminated without appeal rights.



10.6 OBSERVED HOLIDAYS

A. The holidays observed by the Town are:

New Year's Eve day	Memorial day	Thanksgiving day	Floating Holiday
New Year's day	Independence day	Day after Thanksgiving	(Birthday)
Civil Rights/MLK day	Labor day	Christmas Eve day	
President's day	Veteran's day	Christmas day	

B. Holiday Pay

1. Full time employees receive holiday pay at their normal rate of pay for their regular scheduled shift (whether eight or ten hours) in lieu of hours worked.
2. Part-time benefit eligible employees shall receive holiday pay based upon a proration of their budgeted working hours.
 - a. For example, a part-time benefit eligible employee budgeted to work 20 hours per week would be eligible for four hours of holiday pay on observed holidays.
3. Employees whose regularly scheduled day-off falls on an observed Town holiday will receive a different day off during that same week as their holiday.

C. Floating Holiday (Birthday)

1. The employee's floating holiday must be taken during the month in which the employee's actual birthday occurs.
2. Employees who fail to take the floating holiday during their birth month, forfeit their floating holiday for that year.
3. An employee may not work on the floating holiday for additional compensation.

D. Holidays Worked

If an eligible employee is required to work on an observed holiday, the employee will receive the employee's normal rate of pay for their usual shift, plus holiday pay, plus regular overtime pay if required for any hours actually worked over 40 in that workweek.

E. Holidays that fall on Saturday or Sunday

1. When an observed holiday falls on a Saturday, the preceding Friday shall be observed.
2. When an observed holiday falls on a Sunday, the following Monday will be observed.



3. When Christmas and New Year's Day are observed on a Friday, Christmas Eve day and New Year's Eve day will be observed on the preceding Thursday. When Christmas Eve day and New Year's Eve day fall on a Sunday, Christmas Eve day and New Year's Eve day will be observed on Monday and Christmas Day and New Year's day will be observed on the following Tuesday.

10.7 WORKER'S COMPENSATION

A. Purpose

1. Under Arizona law, it is mandatory for employers to secure workers' compensation insurance for their employees. Workers' compensation is a "no fault" system in which an injured or ill employee is entitled to receive benefits for a job-related injury or illness, no matter who caused the injury or illness. If an illness or injury is job-related, then the injured employee is eligible to receive medical benefits and may receive temporary compensation, if eligibility requirements are met. In some cases, a claimant may also receive permanent compensation benefits, job retraining, and supportive medical care.
2. The provisions of this policy are not intended to conflict with or supersede state law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with state law, state law shall control.

B. Reporting Requirement

1. Employees will immediately report any job related accident, illness, or injury to his or her immediate supervisor.
2. If the employee's direct supervisor is not available, the employee shall report the accident, injury or occupational illness to the employee's Department Head.
3. The employee's Department Head, supervisor, or designee will ensure that the accident, injury or illness is reported to Human Resources no later than the next work day.
4. Failure to report the accident, injury or illness within 24 hours may result in the denial of a Worker's Compensation claim
5. Employees will follow the reporting procedures established by Human Resources/Risk Management, to include completing and submitting any required forms.

C. Determination of Compensability

1. The Town's workers' compensation carrier will determine compensability for job related injuries and illnesses.

D. Medical Claims



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1. Pursuant to state law, if an employee is off work due to a job-related injury or illness determined to be compensable, the workers' compensation carrier will pay all of the employee's medical expenses associated with the job related injury or illness.
2. If an employee's on the job injury or illness falls within the Family and Medical Leave definition for serious medical condition, the employee shall also be placed on Family and Medical Leave status. During such time, the employee will be afforded the same protections and benefits as described in section 10.12 of this policy.

E. Benefits

1. All benefits under this plan will be provided while the employee meets all eligibility criteria, for a period of six months from the date the employee receives first payment of workers' compensation pursuant to A.R.S. 23-1021, 38-961 and related statutes.
2. Payment of the employee's regular net salary.
3. Accrued leave balances will be maintained at pre-injury level, including sick, vacation, and comp time.
4. Continued payment of the employer's portion of premium for health care benefits, including medical, dental, and vision benefits. Employees remain responsible for paying their portion of any premium.
5. Retirement
 - a. Public Safety Employees (members of PSPRS and CORP)
 - i. The Town will pay both the Employers and Employee's contribution to the public safety retirement system.
 - ii. The employee will continue to accrue credit for service in the public safety retirement plan.
 - b. Members of ASRS
 - i. Compensation received under the workman's compensation program is not eligible for credited service.
 - ii. Neither the employee nor the Town will contribute retirement contributions while the employee is on workman's compensation.
6. To the extent the employee is eligible for and receives salary or benefit changes while eligible and receiving benefits under this section, the benefits under this section will be adjusted accordingly.



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- a. For example, if all employees are provided automatic salary adjustment as part of an annual process, the employee will receive benefits under this plan based on his/her new adjusted salary as he/she would if not injured.
 - b. Such adjustments may or may not benefit the employee.
7. Employees receiving benefits under this section will not accrue additional sick or annual leave.
- F. Return to Work
1. It is the philosophy of the Town to return injured or ill employees to employment for the Town as soon as they are physically and/or mentally capable of performing functions for the Town and are released to return to work by the designated physician.
 2. When an employee with a job-related injury or illness returns to work, either in his or her normal assignment or in an alternative work assignment (Transitional/Light Duty), the employee will not be charged sick leave or any other type of leave for absences due to medical appointments, including physical therapy, for the job-related injury or illness.
 3. Any employee who has been absent due to a work-related illness or injury may be required to undergo a Return to Work examination or a Fitness for Duty examination through the Town designated physician.
 4. Employees released to work with restrictions will be placed on light duty when light duty is available. (See the Town Transitional/Light Duty administrative directive for further details.)
 5. If the employee is released to work with restrictions, the Town will comply with the Federal Americans with Disabilities Act.
 6. In the event that an employee is approved for and offered light duty assignment and chooses not to accept the assignment, they shall be denied continuation of Worker's Compensation benefits, and may be subject to disciplinary action, up to and including termination.

10.8 MILITARY LEAVE

- A. Leaves of absence for military service shall be granted in accordance with the provisions of applicable State and Federal laws. Pursuant to State law, the Town of Oro Valley will provide employees in the military reserves with 30 days of paid military leave every two years.
- B. Pursuant to applicable federal and state laws, employees requesting a leave of absence for military service must submit copies of valid orders to Human Resources.



- C. At their option, employees of the Town of Oro Valley who have been called to active duty by Presidential Order will be eligible to receive supplemental pay for a period of up to one year while under active Military Orders.
- D. The employee under active Military Order will not be required to use accrued annual pay or compensatory time off prior to receiving supplemental pay.
- E. The employee on active Military Order is eligible to receive their normal pay minus all applicable deductions for benefits, taxes, etc.
 - 1. In order to eliminate tax consequences for the employee on active Military Order, the Town will calculate the difference between their regular pay and their military pay, and pay the difference to the employee.
- F. During periods of military leave, employees of the Town of Oro Valley who are serving on active duty as members of the Military Reserves will be allowed to continue to maintain their employee benefits with the Town by continuing to make the required employee contributions for each of the plans for which the employee has enrolled prior to the start of their military service leave.
- G. Retirement contributions for employees called to active military service. .
 - 1. Employees who are members of the Arizona State Retirement System
 - a. In accordance with Arizona Revised Statute 38-745, members of the Arizona State Retirement System (ASRS) who are on paid leave will continue to pay the employee's portion of their retirement contribution while the Town continues to pay the employer's portion.
 - b. If the employee is on unpaid leave, the Town will pay both the employee's and employer's portion of the required contribution to ASRS once the employee returns to Town employment and meets eligibility requirements
 - 2. Employees who are members of the PSPRS or CORP
 - a. In accordance with Arizona Revised Statute 38-858, the Town will make both member and employer contributions for you (up to 48 months) in a lump sum upon your return if:
 - i. You are a member of the Arizona National Guard or a reserve in any branch of the military, or
 - ii. You volunteer into active duty or are called into active duty as a result of a Presidential call-up, and
 - iii. You are honorably separated from active duty and return to Town employment within 90 days after separation.



- H. The Town will follow the Uniformed Services Employment and Reemployment Rights Act when determining return and reemployment rights upon release from active Military Order.

10.9 BEREAVEMENT LEAVE

- A. Upon the death of a family member, benefit eligible employees who are on active status (i.e., not on another form of leave of absence) are eligible to receive five working days of paid leave (not charged to sick leave or annual leave).
1. For bereavement involving other family members or friends, the employee may request paid annual leave or unpaid leave.
 2. Bereavement leave must be approved by the Department Head, or designee.

10.10 JURY DUTY LEAVE

- A. All employees of the Town who are called or required to serve as a juror shall be excused for their absence from work and receive their normal pay for such absence. In return for receiving regular pay, the employee shall remit any monies received for the jury duty (except for travel pay) directly to the Town.

10.11 SUBPOENA LEAVE / WITNESS LEAVE

- A. All employees of the Town required to appear in court as a witness in their official capacity shall be excused from their duties with the Town and shall receive pay and all other benefits during the period of such service.
1. Under such circumstances, the employee shall refund the witness fee, if any, to the Town.
- B. Employees subpoenaed for matters not related to Town business shall not be paid for their absence unless accrued, annual leave, accrued sick leave, or accrued compensatory time is used.
1. Employees may use unpaid leave for such absences with appropriate approvals.

10.12 FAMILY AND MEDICAL LEAVE

- A. The Federal Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage.
- B. Eligibility
1. Must be a Town of Oro Valley employee.
 2. Must have worked for Oro Valley for at least twelve months, whether or not such time is continuous, and not had a continuous break in service of more than seven years.



3. Must have worked a minimum of 1,250 hours during the 12-month period immediately preceding the commencement of leave. Qualifying hours do not include annual, sick, bereavement, holiday, unpaid leave, etc. but overtime and holidays worked and military leave do qualify.

C. Qualifying Events

1. The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.
2. The birth of a child and to care for the newborn child within one year of birth.
3. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.
4. To care for the employee's spouse, child, parent or in loco parentis who has a serious health condition.
5. A military qualifying exigency while the employee's spouse, son, daughter, or parent (the "military member") is on covered active duty or has been notified of an impending call or order to covered active duty status.
6. To care for a covered service member or qualifying veteran with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

D. Amount of Leave

1. Qualifying full-time employees may be eligible for up to a total of 12 weeks of unpaid family leave during the applicable 12 month period.
2. For part-time eligible employees and those who work variable hours, the Family Medical Leave entitlement is calculated on a pro-rata basis. A weekly average of hours worked over the 12 weeks prior to the beginning of the leave should be used for calculating the employee's normal workweek.
3. A husband and wife who are both employed by the Town are permitted to take only a combined total of 12 weeks of leave during the 12 rolling calendar month period if they are taking leave for the birth or adoption of a child.
4. Except for leave to care for a covered service member with a serious injury or illness, the Town uses a rolling 12 month period to calculate FMLA eligibility. Each time an employee uses FMLA leave, the remaining leave entitlement is the balance of the 12 weeks that has not been used during the immediately preceding 12 months.



5. For leave to care for a covered service member with a serious injury or illness, the benefit provides for up to 26 weeks of leave and the “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for the covered service member and ends 12 months after that date.
- E. Serious Health Condition is an illness, injury, impairment, or physical or mental condition that involves:
1. Inpatient care or continuing treatment by a health care provider.
 2. Continuing treatment involves a period of incapacity:
 - a. Of more than three consecutive calendar days and any subsequent treatment that also involves treatment at least two or more times by a health care provider;
 - b. Due to pregnancy, or prenatal care;
 - c. Due to a chronic serious health condition requiring periodic treatment by a health care provider over an extended period of time and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy);
 - d. Permanent or long-term incapacity due to a condition for which treatment may not be effective; or
 - e. Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition such as cancer that would likely result in a period of incapacity of more than three consecutive calendar days without medical treatment. Treatment would not include routine physical examinations.
- F. Application of Accrued Paid Leave
1. Accrued paid annual and sick leave will be applied when FMLA leave is taken for any reason or any length of time.
 2. When an employee has used all their sick or annual paid leave, the employee will be placed on unpaid leave for any part of the 12 week period remaining.
- G. Intermittent Leave
1. When placed on official FMLA status, an employee may take leave intermittently (a few days or a few hours at a time), or on a reduced leave schedule. An employee should make reasonable efforts to schedule their absences so as not to unduly disrupt work operations.
 2. When it is necessary for the employee to take FMLA intermittently or on a reduced leave schedule, the employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.



- a. An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child at the discretion of the Department Head.

H. Notice Requirement

1. An employee is required to give 30 calendar days' notice in the event of a foreseeable leave.
2. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable. Verbal or written notice within one or two working days of when the need for family medical leave becomes known is usually sufficient.
3. If the employee does not notify the department within five working days of returning to work that the absence was for an FMLA reason, the employee cannot later claim that the absence was for an FMLA reason.
4. A request for FMLA leave should be made to Human Resources, either by the employee, or their supervisor.
5. Eligible employees on Worker's Compensation should also be evaluated for FMLA leave. However, employees who are released to work on Transitional/Light Duty will not have the modified duty hours counted toward FMLA hours.

I. Medical Certification

1. Medical certification must be provided by the employee within 15 calendar days after requested. The certification shall include the condition being treated, the date the serious health condition commenced, and the health care provider's best medical judgment concerning the probable duration of the condition.
2. For incremental use of leave the certification must indicate medical necessity for a reduced work schedule.
3. The Town reserves the right to request additional medical opinions in accordance with the FMLA.

J. Effect on Benefits

1. Subject to the terms, conditions and limitations of the applicable group health insurance plans, the Town shall maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work.
2. An employee, who is on paid FMLA leave via the use of accrued leave, shall continue to pay his or her share of the insurance premium, if any, through payroll deductions.



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3. An employee who is on unpaid FMLA leave shall make arrangements with Human Resources and Finance Department to make payments for their share of the insurance premium, if any. If payment is more than 30 calendar days overdue, coverage will be dropped, after 15 calendar days written notice is provided to the employee. In this situation, COBRA will be offered.
4. The Town's obligation to maintain health benefits under this section stops if and when the employee informs the Town of intent not to return to work at the end of the leave period or if the employee fails to return to work when the FMLA leave entitlement is exhausted. In some circumstances, the Town may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.
5. The Town will not maintain other supplemental benefits while an employee is on FMLA leave. To maintain supplemental benefits, the employee must make payment arrangements with Human Resources and Finance Department.
6. Benefit accumulation, such as annual, sick leave or holiday benefits, will be suspended during any full pay period (80 hours) of unpaid leave portion of the FMLA leave period and will resume upon return to active employment. Use of FMLA leave is not considered a break in service when determining eligibility for vesting or for participation in a benefit.

K. Return to Work

1. An employee on FMLA leave shall provide Human Resources with at least two working days' advance notice of the date the employee intends to return to work.
2. An employee on FMLA leave for the employee's own serious health condition shall provide a written release from a health care provider indicating that the employee may resume the full essential functions of his or her position prior to or immediately upon returning to work.
3. Upon return from FMLA leave, the employee shall be restored to the employee's original position, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.
4. If the FMLA leave period is insufficient and the employee is unable to fully perform the essential functions of his or her position at the conclusion of the FMLA leave period, the employee may request additional time off in accordance with the other leave of absence provisions herein.
5. If an employee is released to work with restrictions, the employee may become eligible for light duty. In some circumstances, it will become necessary to begin an interactive accommodation process in accordance with the Americans for Disabilities Act.
6. The Town may require updated medical certifications to support the need for the additional leave.



7. If the employee is unable to return after this time, the Town may initiate separation of employment.

L. Retaliation

1. The Town prohibits retaliation toward employees who utilize FMLA leave.

10-13 LEAVE DONATIONS

- A. Employees are encouraged to manage their paid time off to allow for major life events. In the event that, even with good leave management, an employee exhausts all of their paid time off, the Town allows all employees to donate up to 40 hours of annual leave every 12 months, while maintaining a minimum of 80 annual leave hours. Employees with sick leave balances in excess of 480 hours may donate up to 80 hours of sick leave every 12 months.

B. Eligibility to receive donated leave hours

1. Employee must accrue leave on a per pay period basis; and
2. Must be on an approved Family Medical Leave Act absence; and
3. Must have exhausted all forms of paid time off, including sick leave, compensatory time and annual leave time; and
4. Must be eligible to earn and use donated hours in order to accept contributions.

C. Requesting Donated Leave Time

1. To request donated leave time the requesting employee must complete a Request for Donation form and submit it to Human Resources. In the event the employee is unable to complete the form, the employee's supervisor may complete and submit the form. Upon receipt of the approved Request for Donation form, Human Resources will send an email to all Town employees informing them of the employee's need, and requesting donated hours.
 - a. An employee may receive the lesser of 480 donated hours or the amount of leave time needed to bring the employee to the end of the employee's Family Medical Leave Act time. The paid leave hours the employee had accrued at the time they went on leave, and the donated leave hours cannot continue past the total of 480 hours allowed by the Family and Medical Leave Act.
 - b. Employees using donated time do not accrue annual and/or sick leave hours.
 - c. An employee may not donate leave if that employee has less than a total of 80 hours of annual leave accrued after the donated time is deducted from their annual leave balance.



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- d. An employee may not donate sick leave hours if that employee has less than 480 sick leave hours. An employee with over 480 sick leave hours may donate up to 80 hours of sick leave.
- e. Hours in an employee's administrative leave or compensatory time balance may not be transferred to another employee for any reason.
- f. Employees who return to work on full-time status and have remaining donated leave hours will not be able to keep the hours in their own sick leave or annual leave account. The remaining donated hours will be returned on a pro-rated basis to the employee who donated the time.
- g. All donations of leave time are treated as confidential and are not shared with the receiving employee.