

ARTICLE VI. HOLIDAYS AND LEAVE

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Section 1. Policy

The policy of the County is to provide annual leave, sick leave, and holiday leave to all full-time and eligible part-time employees in a regular position with the County.

Section 2. Paid Holidays Observed

The following holidays, and such others as the Board of County Commissioners may designate, shall be observed by County offices and shall be counted as paid holidays:

New Year's Day, Martin Luther King Jr.'s Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving (2 days), Christmas (see schedule below)*

Christmas Holiday*	Leave Day
Monday	Monday, Tuesday
Tuesday	Monday, Tuesday
Wednesday	Tuesday, Wednesday
Thursday	Wednesday, Thursday
Friday	Thursday, Friday
Saturday	Friday, Monday
Sunday	Friday, Monday

*Days observed may vary to coincide with North Carolina state government holidays.

Employees may wish to be away from work on certain days for religious observances. Department Heads should attempt to arrange the work schedule so that an employee may be granted appropriate leave when it is requested because the day is a major religious observance for that employee. Appropriate leave should be denied only when it would create an emergency condition that cannot be prevented in any other manner.

All full-time employees appointed to a permanently established position, shall receive eight hours of paid time off based on these holidays or will receive eight hours of holiday pay. All eligible part-time employees with benefits shall receive prorated holiday pay if the holiday falls on scheduled workday. Examples of employees not eligible for paid holidays include those employed on a part-time basis or do not work a regular work schedule such as convenience center operators, EMTs, telecommunicators, jailors, deputies, etc.

Due to budget restraints, the County Manager, at his discretion, may require time off without pay for all exempt and non-exempt employees during the holiday seasons.

Section 3. Effect of Holidays on Other Types of Paid Leave.

Holidays that occur during vacation, sick, or other paid leave period shall not be charged as vacation, sick, or other paid leave.

Section 4. Holidays: Compensation When Work is Required.

Non-exempt employees required to perform work on regularly scheduled holidays will receive eight hours of holiday pay and will be granted compensatory time at an hour-for-hour rate for each hour worked on the holiday. Any hours actually worked over 40 in a seven-day period will be paid at time and a half. Any additional pay for holiday hours worked will be at the discretion of the Board of County Commissioners. Employees in Emergency Medical Services, Sheriff's Department, Communications, and Landfill, who, by the nature of their position are required to work on a holiday, may be granted floating holidays or may be granted eight hours of holiday pay in lieu of taking a floating holiday.

An exempt employee required to work on a regularly scheduled holiday will receive bonus time at an hour-for-hour rate for each hour worked.

Section 5. Adverse Conditions Leave

County departments shall remain open for a full scheduled workday unless authorized for delayed opening or early closing or other deviation is received from the County Manager's office. All departments and offices will be given sufficient advance notice of any authorized delay or early closings. In the event of a delay or closing, employees will be required to use accrued comp leave, bonus leave, annual leave or a combination of accrued leave in order to be paid. During a delay or closing, salaried exempt employees will be required to report to work or the use of accrued leave will be required.

Salaried exempt and non-exempt employees who do not report to work or report to work late when departments are operating on a regular or delayed schedule, will be required to use accrued comp leave, bonus leave, annual leave or a combination of accrued leaves. If personal accruals are exhausted, a non-exempt employee will be required to take leave without pay.

Section 6. Annual Leave

Annual leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Any compensatory or bonus time earned by the employee should be used prior to using annual leave. Annual leave is also referred to as vacation leave.

Section 7. Calendar Year

For the purpose of earning and accruing annual leave, the twelve (12) calendar month periods between January 1 and December 31 is established as the leave year.

Section 8. Annual Leave Accrual Rate

Each regularly salaried employee occupying a regularly established budgeted position shall earn annual leave on a monthly basis in accordance with the following schedule of total service, prorated by the average number of hours in the workweek:

<u>Years of Service</u>	<u>Hours Per Month</u>	<u>EMS Hours Per Month</u>
Less than 2	7.83 hrs	11.50 hrs.
2 to 5	9.17 hrs	13.50 hrs.
5 to 10	11.17 hrs	15.50 hrs.
10 to 15	13.17 hrs	17.50 hrs.
15 to 20	15.17 hrs	19.50 hrs.
20 +	7.17 hrs	21.50 hrs.

Regularly scheduled eligible part-time employees, working more than 30 hours per week, shall earn leave on the above schedule on a pro-rated basis. Employees hired on or before the 15th of each month are eligible for a full accrual for the month hired. Employees hired after the 15th will get no accrual in the month hired.

Section 9. Annual Leave: Maximum Accumulation

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours.

At the end of the calendar year, those employees having accrued annual leave in excess of 30 days or 240 hours shall transfer this unused annual leave to sick leave, hour for hour. This converted annual leave can then be used for any authorized sick leave purposes, including creditable service at the time of retirement in accordance with the Local Government Retirement System provisions.

Section 10. Annual Leave: Manner of Taking

Annual leave shall be taken with the prior approval of the employee's Department Head or Supervisor. Employees shall be granted the use of earned annual leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the County. Department Heads are responsible for insuring that approved annual leave does not hinder the effectiveness of service delivery. Because

of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time.

Section 10 a. Advanced Leave

When annual leave, compensatory time, sick leave, and if eligible, shared leave have been exhausted, sick leave may be advanced to a non-exempt employee in good standing in special hardship cases due to a catastrophic injury or illness of the employee or immediate family member. Annual leave may only be advanced to an employee who has at least one year of employment with the County; has received a positive rating on the most recent performance evaluation; has no warning in personnel file within the past year; and must have exhausted all sick leave options, compensatory or bonus time, and personal accumulated annual leave. Leave advanced in this manner shall be used as sick leave, but the amount of leave advanced may not exceed 160 hours. Employees seeking advanced leave must request advanced leave in writing to the Department Head. Leave must be approved by the County Manager. After returning to work, advanced sick leave will be "repaid" at the current leave rate earned by the employee. After returning to work following the advancement of leave, an employee may not use sick or annual leave until all advancement has been credited back to the County through the monthly accrual process.

Section 11. Annual Leave: Payment Upon Separation

An employee will normally be paid for annual leave accumulated to the date of separation, not to exceed a maximum of 240 hours, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Department Head when deemed to be in the best interest of the County. Involuntary separations may receive payment for accrual of annual leave subject to a 30-day maximum.

Any non-exempt employee owing advanced annual leave to the County shall reimburse the County by having the amount owed deducted from their final paycheck providing that deduction amount does not place the employee in a position to earn an hourly rate of less than minimum wage.

Section 12. Annual Leave: Payment Upon Death

The estate or designated beneficiary of an employee who dies while employed by the County shall be entitled to payment for all the accumulated vacation leave credited to the employee's account.

Section 13. Sick Leave.

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

Employees may be granted sick leave for absence due to the following:

1. Sickness or bodily injury of the employee that prevents them from performing their regular duties; and/or medical or dental appointments of the employee.
2. Sickness or bodily injury of an employee's immediate family member, and/or medical or dental appointments for an immediate family member, that meets the FMLA definitions and limits. For purposes of the use of sick leave in general, immediate family members will be defined as employee's spouse; child; step-child; parent; step-parent; in-laws; sibling; grandchild; and grandparent.
3. An employee absent due to a temporary disability may be required to provide a doctor's certificate to verify the employee's period of temporary disability for these reasons.
4. Exposure to a contagious disease when continuing work might jeopardize the health of others.
5. Death in the employee's immediate family (the employee's spouse, parent, child, sibling, guardian, grandchild and grandparent, as well as the various combinations of half, step, in-law and adopted relationships that can be derived from those family members named herein) not to exceed three (3) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the Department Head.
6. To supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining salary, except that employees may not exceed their regular salary amount using this provision.
7. Qualifying FMLA events.

Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or no later than one (1) hour after the beginning of a scheduled workday. Sick leave may only be taken with the approval of the immediate supervisor. Failure to notify and/or obtain approval appropriately may result in disciplinary action up to and including termination. Three consecutive days of absences without proper notification to Department Head or Supervisor shall be considered a voluntary resignation.

Section 14. Sick Leave: Accrual Rate and Accumulation

Each regular salaried employee occupying a regularly established, budgeted position shall earn sick leave on a monthly basis, at the rate of eight hours per calendar month. Sick leave for employees working other than the normal 40-hour workweek schedule shall be prorated as described in this Article. Sick leave will be cumulative for an unlimited number of days.

At the time of separation, any non-exempt employee owing sick leave to the County shall be deducted from the employee's final compensation providing that the amount deducted does not place the employee's earning an hourly rate below minimum wage.

Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employees Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over. Refer to the North Carolina Local Government Employees Retirement System manual for full details regarding sick leave allowed as credible service.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the County, except as stated in the LGERS manual for employees retiring.

Any compensatory or bonus time earned by an employee shall be taken first prior to using the sick leave account.

Section 15. Sick Leave: Medical Certification

The employee's Department Head or the Human Resources Director, under the direction of the County Manager, may require a statement from the physician specifying the nature of the employee's or immediate family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a pattern of absenteeism. At the expiration of an authorized sick leave period, the Human Resources Director, under the direction of the County Manager, may require a physical and/or mental examination, at the County's expense. The employee may be required to submit to such medical examination or inquiry as the Human Resources Director deems necessary. The Department Head shall be responsible for the application of this provision to the end that:

1. Employees shall not be on duty when they might endanger their health or the health of other employees; and
2. There will be no abuse of leave privileges.

Claiming sick leave under false pretenses to obtain a day off with pay shall subject the employee to disciplinary action up to and including termination.

Section 16. Sick Leave: Transfer from Other Governmental Agencies

Unused sick leave earned from another North Carolina state or local governmental agency and/or entity will be accepted and transferred to the County as follows:

1. Verification received in days will be calculated and accepted in hours reverting to the nearest whole.
2. The total number of hours accepted as transferred will be added to the record after completion of the six (6) month probationary period.

3. Verification of accumulated sick leave must be received in writing from previous employer.
4. The transfer must be completed within three (3) years from the employee's last workday with the previous employer.

No employee shall be paid for any accrued sick leave if the employee is terminated.

Section 17. Leave Pro-Rated

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

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic workweek (usually 40 hours).
- 2) The proportion obtained in step one (1) shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- 3) The number of hours in step two divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

Section 18. Family and Medical Leave Act Revised:12/1/09

In compliance with the Family and Medical Leave Act of 1993, (FMLA) and as amended, all employees who have been employed with Alexander County at least twelve months, and who have worked at least 1,250 hours in the previous 12-month period for the County are eligible for FMLA leave for the circumstances identified below as provided by 29 CFR Part 825.

Twelve month defined: need not be consecutive months; employment periods prior to a break in service of seven years or more will not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the USERRA); or a written agreement exists concerning the County's intention to rehire the employee after a break in service. (For more information, see special rules for returning reservists under USERRA.)

The County shall use a "rolling 12-month period to measure backward from the date an employee uses any FMLA Leave. FMLA leave may be taken: (1) for the birth of a child, (2) the placement of a child in the employee's home through adoption or foster care; (3) to care for the employee's spouse, child, or parent (not including in-laws) who has a serious health condition; (4) for a serious health condition that makes the employee unable to perform his/her job; (5) qualifying military exigency leave; (6) military care giver leave.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either:

(1) Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.* inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; **or**

(2) Continuing treatment by a health care provider which includes a period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes: treatment two or more times by or under the supervision of a health care provider (*i.e.*, in person visits the first visit within 7 days and both within 30 days of the first day of incapacity); **or**

(3) one treatment by a health care provider (*i.e.* an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); **or**

(4) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; **or**

(5) Any period of incapacity or treatment for a chronic serious health condition that continues over an extended period, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; **or**

(6) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; **or**

(7) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

FMLA leave may be requested for any eligible reason. The County may designate otherwise qualified leave as paid or unpaid. The County may retroactively designate leave used for a qualifying FMLA circumstance as FMLA leave toward the employee's 12-week entitlement, if it learns after the leave begins or after the fact that such leave qualified as FMLA. All designated paid leave shall run concurrent with FMLA. Compensatory and bonus time shall be exhausted before paid sick or annual leave is granted.

An employee taking leave for the birth of a child may use paid sick leave for the period based on medical certification. The employee shall then use all paid vacation for the remainder of the 12-week period.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a combined total of 12 weeks leave under FMLA. Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or

placement. Leave is limited to a combined total of 26 weeks if it is to care for a covered service member with a serious injury or illness.

Employees are required to exhaust accrued paid leave and shared leave, if eligible, prior to taking leave without pay for purposes normally eligible for paid leave. However, paid leave for non-FMLA eligible purposes will not count against the 12 weeks of FMLA leave. For example, employees may take up to 3 days of sick leave for a death in the immediate family. This paid leave would not count toward the 12 weeks of unpaid FMLA leave.

Section 18a. FMLA: Medical Certification

The employee is required to provide 30 days advance notification of the need to use unpaid FMLA leave, when the leave is foreseeable. If the leave is foreseeable, less than 30 days in advance, the employee must provide notice as soon as practicable—generally the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case.

In order to qualify for leave for circumstance #3 and #4, medical certification is required. The certification form will be provided with the eligibility notice by the Human Resources. A doctor's statement is not sufficient. The certification form provided by Human Resources must be returned within 15 days (or the date indicated on the eligibility form, complete and sufficient. If it includes the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable. In the event there is a need to clarify or authenticate medical certification for a serious health condition, a human resources representative will be the point of contact for appropriate health care providers. If the health care provider refuses to clarify or verify the information on the certification form, the employee is encouraged to provide a medical release. While providing a medical release is not required, if the health care provider does not verify or clarify the information, the FMLA leave will be denied and the absence charged as unauthorized.

The employee is expected to return to work at the end of the leave period stated in the medical certification, unless he/she has requested additional time in writing under the County's Leave without Pay policy. Failure to return to work after the expiration of the leave will be considered a resignation.

Section 18b. FMLA: Retention and Continuation of Benefits and Medical Certification

Insurance Benefits

An employee's health coverage will be maintained during FMLA leave at the same level and status as during regular work periods. An employee must arrange for his/her normal share of cost when taking FMLA leave (i.e. payroll deduction for dependent coverage or any portion of their own coverage the employee is normally responsible for.) An employee failing to return to work, for reasons other than a continued serious health condition, will be required to reimburse the County for the employee's health insurance premiums during the FMLA leave period.

Other voluntary insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

Annual Leave, Sick Leave and Holiday Leave Benefits

An employee's annual and sick leave will continue to accrue at the same rate as when he/she is on the job. If a holiday occurs while on FMLA, the employee will receive holiday pay.

Job Retention

Otherwise qualified employees taking FMLA leave must be returned to the same or equivalent position, including status, pay, benefits, and other employment terms, upon returning to work. The position will be the same, or one that entails substantially equivalent skill, effort, responsibility, and authority. Employees will not lose seniority or seniority-based benefits.

Section 18c. FMLA: Military Family Leave Entitlements

Amendments to the FMLA by the National Defense Authorization Act (NDAA), Public Law 110-181, expanded the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any "qualifying exigency" arising out of the fact that a covered military member is on covered active duty, or has been notified of an impending call or order to covered active duty. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a "single 12-month period" to care for a covered service member with a serious injury or illness. These two new types of FMLA leave are known as the military family leave entitlements.

Qualifying Exigency Leave: Alexander County shall grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established for FMLA. Under the terms of the statute, qualifying exigency leave is available to a

family member of a military member in the Armed Forces, to include National Guard or Reserves.

Qualifying exigencies include: Issues arising from a covered military member's short notice deployment for a period of seven days from the date of notification; military events and related activities sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member; certain childcare and related activities arising from the covered active duty or call to covered active duty status of covered military members; making or updating financial and legal arrangements to address a covered military members' absence; attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member; taking up to five days of leave to spend with a covered military member who is on short-term temporary leave during deployment; attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member.

Covered active duty means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty.

Notice of the Need to Take Qualifying Exigency Leave: An employee must provide notice of the need for qualifying exigency leave as soon as practicable. If the leave is foreseeable, Human Resources should be notified on the same day or the next business day. If the need for leave is unforeseeable, an employee must comply with normal call-in procedures when calling in absent.

Certification for Qualifying Exigency Leave: Upon request for leave, an employee will be required to provide a certification of qualifying exigency for military family leave (Form WH-384) and supporting documents as listed on the Form WH-384. A certification will be required for each individual qualifying exigency arising out of the same call to duty.

Military Caregiver Leave: An employee who is a spouse, son, daughter, parent, covered servicemember, or next of kin of a covered service member with a serious injury or illness may be granted up to a total of 26 workweeks of paid or unpaid leave during a "single 12-month period" to care for the service member. A covered service member is a current 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 or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a

member of the Armed Forces, including a member of the National Guard or reserves at anytime during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

A serious injury or illness is one that was incurred by a member of the Armed Forces, including a member of the national Guard or Reserves means an injury or illness that was incurred in the line of duty on active duty in the Armed Forces and that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. In the case of a veteran, who was a member of the Armed Forces, including a member of the National Guard or Reserves, means a qualifying injury or illness that was incurred by a member in line of duty on active duty in the armed Forces or existed before the members active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.. The FMLA “serious health condition” does not apply to this leave. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period.”

Military Caregiver Certification Requirements: Same notice requirements as applies to FMLA leave for serious health condition of an employee or of an employee’s immediate family member.

Certification for Requirements Military Care Giver: Pursuant to 29 CFR 825.310 (b) and (c), medical certifications for military caregiver leave will ask information sufficient to establish the employee’s need for leave including the following facts: (1) a statement of medical facts regarding the service members health condition, specifically, facts relating to whether the injury or illness renders the service member medically unfit to perform the duties of his or her military office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation or therapy; (2) information sufficient to establish that the service member is in need of care; (3) a description of the care to be provided to the service member and an estimate of the leave needed to provide the care; (4) the relationship of the employee to the service member. Certification of the need for military caregiver leave shall be subject to the same time requirements as FMLA leave. Acceptable documents in lieu of the Certification Form WH-385 for military caregiver leave are invitational travel orders (ITOs), invitational travel authorizations (ITAs)

Calculating the Amount of Military Caregiver Leave: An employee is eligible for 26 weeks of leave to care for the service member during a single 12-month period. This is a per covered service member per injury event. An employee is entitled to a combined total of 26 workweeks of leave for any FMLA qualifying reason in a year in which she or he takes military caregiver leave. The single 12-month period begins the first day the employee takes military caregiver leave and ends 12-months later. Military caregiver leave may also be taken on an intermittent or reduced leave schedule.

Section 18d. FMLA: Other Definitions and Issues

All definitions and issues not covered in the policy will be governed by regulations and interpretations of the FMLA of 1993 and amendments to the FMLA by the National Defense Authorization Act (NDAA) Public Law 110-181.

Section 19. Leave Without Pay

A regular full or eligible part-time employee may be granted a leave of absence without pay for a period of up to six months by the Human Resources Director, after consultation with the Department Head and County Manager. The leave shall be used for reasons of personal disability, sickness or disability of immediate family members, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the County Manager.

The employee shall contact Human Resources for appropriate forms and necessary documentation when requesting leave without pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager.

An employee must exhaust all applicable other leave options, sick time, annual leave, comp time, and/or bonus time. Vacation and sick leave credits will not be accrued during non-FMLA leave. Holiday pay will not be accrued or paid during non-FMLA leave.

The employee may continue to be eligible for benefits under the County's group insurance plans, subject to any regulations adopted by the County Commissioners and the regulations of the respective insurance companies at the employee's expense for a period not to exceed six months. Failure to pay the employee portion of medical and dental premiums for 30 days will result in termination of insurance coverage. Should a lapse in coverage occur, COBRA and HIPPA regulations will apply, and a 30-day waiting period must be satisfied. Employee will be responsible for premiums on all voluntary insurance.

Upon returning to duty after being on approved leave without pay, an employee will be returned to the position they left when the leave began or to an equivalent position with the same benefits, pay, and other terms and conditions of employment as before the leave. Employees returning from leave without pay for medical purposes must provide medical certification to return to work with no limitations. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report for duty upon expiration of approved leave unless an extension has been requested and approved will be considered a resignation.

Section 20. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first seven-day waiting period. The employee may also elect to supplement workers' compensation payments after they begin, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. For additional information please refer to Alexander County's Personnel Policy, Article IX – Worker's Compensation. Workers' compensation leave for a work related injury or illness that also qualifies as FMLA leave, will also be designated and counted as FMLA leave toward the employee's 12-week entitlement.

Section 21. Military Leave

A regular employee who is a member of the National Guard or Armed Forces Reserve will be allowed ten (10) workdays of military training leave annually, with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as an active employee, the employee shall receive partial compensation equal to the difference in the base salary earned as a reservist or a guardsman and pay that would have been earned during this same period as a County employee. The effect will be to maintain the employee's pay at the normal level during this ten (10) workday period. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If such military duty is required beyond this ten (10) workday period, the employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.

While on military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee remained with the County during this period. An employee's health coverage will be maintained during military leave at the same level and status as during regular work period. An employee must arrange for optional benefit premiums to be paid while on leave. Employees who are guardsmen and reservists have all job rights specified in the Vietnam Veterans Readjustment Assistance Act.

Section 22. Reinstatement Following Military Service

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), there are time limits for returning to work that are based on the duration of the employee's military service. Time limits are as follows:

1. Time in service is for less than 31 days – employee must report to work by the beginning of the first regularly scheduled workday eight hours after he or she returns home from the military, or
2. Time in service is from 31-180 days – employee must submit an application for employment no later than 14 days after completion of the service, or

3. Time in service is for 181 days or more – employee must submit an application for employment no later than 90 days after completion of service, and
4. An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee is able to perform the duties of the former position or similar position or is unable to perform the duties of the former position or a similar position due to disability sustained as a result of military service, but is able to perform the duties of another position in the service of the County. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

An employee returning from military leave and qualifying for USERRA benefits may have the time of service counted toward the FMLA 12 month employment test and the FMLA 1,250 hours requirement for FMLA eligibility.

Section 23. Court Leave

A County employee called for jury duty or as a court witness for the federal or state government, or a subdivision thereof, shall receive leave with pay only for the period of absence required by the court without charge to accumulated leave. The employee is entitled to regular compensation, and fees received for jury or witness duty; except that employees must turn over to the County any witness fees or travel allowance awarded by that court for court appearances in connection with official duties with the County. While on Court Leave, benefits and leave shall accrue as though on regular duty.

Employees must return to work for any portion of the day remaining, immediately upon being excused from duty. Failure to return to work without appropriate authorization from management may result in disciplinary action up to and including termination.

Employees who are called for jury duty are required to provide their Supervisor with a copy of their notice to serve and a copy of this document must accompany the timesheet for the weeks in which jury duty pay is awarded.

Section 24. Educational Leave

Educational leave with pay shall be granted in accordance with the Fair Labor Standards Act 29 CFR Part 553 and 785 regulations which covers employer required training.

Educational leave without pay may be granted by utilizing the Leave without Pay policy as outlined in Alexander County's Personnel Policy, Article VI Section 23.

Section 25. Child Involvement Leave

On January 1 of each year, employees will be credited with eight (8) hours paid leave time to attend activities at school. Employees may take leave to:

1. Meet with a teacher or administrator of any elementary school, middle or junior high school, high school, college, or childcare program authorized to operate under the laws of the State of NC, concerning the employee's children, stepchildren, or foster children.
2. Attend any function sponsored by the school or childcare program in which said children are participating.
3. Perform volunteer work approved by a teacher, school or program administrator.

Employees may take said leave under the following policy:

1. Leave time will be taken at a mutually agreed upon time between the immediate supervisor and the employee.
2. Employees will provide a request at least 48 hours before the leave is taken, unless exempted by the supervisor.
3. Employees will provide evidence they attended a school event.

Leave will be documented on time sheets.