

**Category:** 300

**Number:** 336

**Subject:** Paid Time Off

**Purpose:** The purpose of this policy is to define and serve as primary document for paid time off including vacation, sick, holiday, overtime and compensatory.

**Authority:** St. Clair County Board of Commissioners Administrative policies shall be subject to revision or termination by the Board of Commissioners at its discretion.

**Application:** This policy speaks primarily to Appointed or Designated members serving on County boards, commissions or other like bodies, County Officials and Confidential and Non-Union Employees (CANUE). Employees who are members of Unions should consult the applicable collective bargaining agreement. Where a collective bargaining agreement is silent, this policy will apply.

**Responsibility:** The Human Resources Director or designee shall be responsible for the administration and enforcement of this policy.

**Policy:** PAID TIME OFF

**HOLIDAYS**

1. Full time regular employees are entitled to compensation for the following holidays and any additional holidays that shall be determined by the St. Clair County Board of Commissioners.

New Year's Day	January 1
Martin Luther King Jr.s Birthday	Third Monday of January
President's Day	Third Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday of September
Veteran's Day	November 11
Thanksgiving Day	Last Thursday of November
Friday after Thanksgiving Day	Day after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25
New Year's Eve Day	December 31

2. When a holiday falls on a Saturday it shall be celebrated on the preceding Friday. When a holiday falls on a Sunday, it shall be celebrated on the following Monday. A department with operating hours on a Saturday or Sunday shall celebrate the holiday on the actual day it occurs except for

employees who are regularly scheduled to work Monday through Friday. Employees who work Monday through Friday shall celebrate the holiday on either the preceding Friday or the following Monday.

3. To be eligible for holiday pay, the employee must work the day before and after the holiday unless such absence is authorized. Only the department head and/or supervisor are authorized to approve an absence. The absence shall be paid or unpaid except when the holiday occurs during an employee's leave of absence without pay. An employee on a leave of absence without pay is not entitled to holiday pay.

**VACATION TIME**

1. All full time regular County employees shall be entitled to vacations according to the following schedule:

<b>Years of Service</b>	<b>Vacation Days</b>
6 months	5
1	5
18 months	5
2	5
3-4	10
5-9	17
10-14	20
15-19	23
20-24	25
25+	30

2. The full time allocation of days according to the above schedule shall be credited to the employee upon each anniversary of full time employment with the County. An employee transitioning from a different vacation plan schedule shall be placed on the years of service level that equals the number of days enjoyed under the previous vacation schedule. If there is no equal vacation schedule, the employee shall be placed on the next higher schedule. In no event shall an employee be forced to receive a reduction in annual vacation days. The employee shall remain at the years of service level until his or her actual years of service exceed the level where placed.
3. Classifications that require education of a bachelor's degree or greater shall be considered a professional position. The department head and/or supervisor shall have authority to place a newly hired professional on the vacation schedule up to but not greater than the 5 – 9 year level, which represents 17 calendar days. The employee shall not be entitled to advance through the vacation schedule until actual years of service coincide with the schedule thereafter.
4. Vacation days shall not be used prior to their being credited or beyond the number of those days accumulated. An employee shall not exceed the number of vacation days in their bank.
5. An employee shall be entitled to carry forward from the previous year's accrual as many days that when added to the anniversary credit does not exceed thirty-five (35) days. In other words, an employee shall not be entitled to maintain an accrual of more than thirty-five (35) days at any time.
6. Vacation days must have the prior approval of the department head and/or supervisor to be used. Approval shall be contingent upon meeting the operational needs of the department but approval

shall not be unreasonably withheld. Scheduling shall be on a "first come, first served" basis. Seniority shall prevail when requests are simultaneous.

7. A holiday occurring during a paid vacation leave shall not be deducted from the vacation accumulation.
8. Upon termination, retirement or death, the employee or beneficiary or the employee's estate shall be paid the total accrued unused vacation days and a prorated payoff of vacation time from their date of separation retroactive to the employee's last anniversary of employment. Be it provided, however, that such payoff of unused days shall not exceed thirty-five (35) days of pay.
9. If an employee has less than one (1) year of employment at time of termination, they will receive a prorated payoff per the vacation schedule in the table above matching the time of service with the County.
10. New hires must complete a successful ninety (90) day probationary period before eligible to use vacation time.
11. Upon attaining twenty (20) years of service an employee may elect to have the monetary value of five (5) vacation days deducted from his or her annual credit and attributed to his or her deferred compensation or flexible spending account.
12. Upon attaining twenty-five (25) years of service an employee may elect to have the monetary value of five (5) or ten (10) vacation days deducted from his or her annual credit and attributed to his or her deferred compensation or flexible spending account.
13. The election shall be made from a form available on-line or from the Human Resources Department at least two pay periods in advance of the pay period in which the employee's anniversary of full time regular employment occurs.

#### SICK TIME –FULL TIME

1. Full time regular employees shall be credited with one (1) sick day upon each monthly anniversary of full time employment to be used for the purposes provided by these policies. Any sick time use other than provided by this policy shall be considered a misuse and an abuse and will subject the employee to discipline up to and including employment termination. Also, the County reserves the right to request a doctor's certification.
2. Full time regular employees shall be entitled to accrue sick time to a maximum of forty (40) working days.
3. Upon the satisfactory completion of the orientation period, an employer shall allow an eligible employee to use paid medical leave for any of the following:
  - A. The eligible employee's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee's mental or physical illness, injury, or health condition; or preventative medical care for the eligible employee.
  - B. The eligible employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee's family member's mental or physical illness, injury, or health condition; or preventative medical care for a family member of the eligible employee.
  - C. If the eligible employee or the eligible employee's family member is a victim of domestic violence or sexual assault, the medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal

proceedings related to or resulting from the domestic violence or sexual assault.

- D. For closure of the eligible employee's primary workplace by order of a public official due to a public health emergency; for an eligible 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; or if it has been determined by the health authorities having jurisdiction or by a health care provider that the eligible employee's or eligible employee's family member's presence in the community would jeopardize the health of others because of the eligible employee's or family member's exposure to a communicable disease, whether or not the eligible employee or family member has actually contracted the communicable disease.
4. An employee shall not be entitled to use more sick time than has been accrued nor permitted to borrow against the future credit of sick time.
  5. When an employee's illness or physical condition raises the question of fitness to perform normal duties, or if the employee exhibits questionable attendance, the department head and/or supervisor shall require the employee to submit to a physical examination at the expense of the County.
  6. An employee who uses two (2) sick days in a thirty (30) calendar day period or four (4) days in a ninety (90) calendar day period, without a statement from their attending physician indicating the nature of their illness shall be placed on "proof required status" as determined by the department head and/or supervisor. Proof required status shall mean the employee must provide a statement from their attending physician indicating the nature of the illness in order to be eligible for sick time pay. The employee shall be on proof required status for six (6) calendar months. The employee who fails to provide appropriate medical verification shall not only be denied sick time compensation, but shall be subject to discipline.
  7. Sick time, when authorized, shall be taken in place of normally scheduled workdays, excluding holidays.
  8. The employee must promptly notify his or her department head and/or supervisor of their absence or be subject to discipline. Promptly shall mean prior to or at the beginning of the employee's regular scheduled workday.
  9. When possible, an employee must schedule doctors or dentist visits outside of normal working hours.
  10. An employee shall be eligible for salary continuation when a non-work related illness or injury extends beyond twenty-eight (28) consecutive calendar days. Compensation shall commence the twenty-ninth (29th) calendar day and shall provide two-thirds (2/3) of the disabled employee's normal base pay before all payroll deductions including taxes and F.I.C.A. Salary continuation is for a maximum period of six (6) months contingent upon continuing disability. Verification of a continuing medical disability is required by the County in order to provide salary continuation. Salary continuation shall be reduced by any compensation from the County's Retirement Plan, and/or Social Security.
    - A. The County shall provide the disabled employee salary continuation from the twenty-ninth (29th) calendar day to the one hundred and eightieth (180th) calendar day from the first day of disability. During the period that the County provides the disabled employee salary continuation, the employee shall be entitled to continuation of some of the fringe benefits enjoyed immediately prior to disability as reflected below.
    - B. The employee will continue to accrue vacation and sick time.
    - C. The employee's compensation will include his or her contribution to the retirement system which provides credit toward the annual multiplier. The County will contribute its portion

- of the employee's compensation into the retirement system.
- D. The employee will continue to receive health and dental care and life insurance, under the same terms and conditions in affect prior to commencing leave.
  - E. The employee eligible for Service Recognition shall receive compensation as though actively scheduled to work.
  - F. The employee shall not be entitled to paid Holidays.
  - G. Fringe benefits based on a percentage of salary, such as retirement, shall be provided consistent with the employee's reduced salary. In other words, all benefits based upon salary shall be computed upon the reduced salary.
  - H. The disabled employee shall be ineligible for salary continuation for refusing to accept an offer of work in a reasonably equivalent classification to the classification held at the time of disability. Reasonable equivalent shall mean duties within the scope of the employee's skills, abilities and education, as well as, wages within fifteen percent (15%) of the employee's pay at the time of disability.
11. Commencing the one hundred and eighty-first (181st) calendar day salary continuation shall be provided by an insurance carrier of the County's choice or by the County at the County's discretion. At such time the disabled employee shall not be eligible for fringe benefits. Be it provided, however, that the disabled employee shall be entitled to obtain group health insurance through the County in accordance with the following safeguards and conditions:
- A. The disabled employee shall be entitled to six (6) months of health care coverage provided the employee pays fifty percent (50%) of the premium costs.
  - B. An employee purchasing dental care coverage shall continue to pay one hundred (100%) of the premium cost as COBRA.
  - C. Upon completion of one (1) year of absence from County employment will terminate as voluntary and the former employee will be notified of his or her COBRA rights.
20. Nothing shall prohibit the County from offering the employee a redemption in lieu of salary continuation. Be it provided, however, that the employee shall have sole responsibility to accept or reject a redemptive offer.
21. During the first six (6) months of absence the employee shall be eligible to supplement disability compensation with vacation, sick time or compensatory time on a ratio of one (1) day or one (1) hour to each three (3) days or three (3) hours of absence in order to remain at full normal gross salary. Disability compensation shall only be supplemented as follows.
- A. The employee must supplement from the first day of receiving salary continuation or he or she shall not be eligible to supplement.
  - B. Sick time must be supplemented until exhausted followed by compensatory time and then by vacation time.
  - C. Supplementing must be continuous. An employee will not be entitled to supplement intermittently.
  - D. Sick time and/or vacation time that accrues or is credited during the employee's leave shall only be used to supplement disability compensation when the supplementing is continuous which means it occurs without a break in supplementing.
22. An employee on an approved disability leave using sick time, salary continuation or disability insurance shall be subject to the applicable provisions of 360 Leave of Absence policies.
23. Upon termination of employment, an employee with a balance of accrued sick time shall be entitled to receive compensation to a maximum accrual of thirty (30) sick days based upon the following graduated schedule of months of service.

<b>Months of Service</b>	<b>% of Accrual</b>
12 to 24	20%
25 to 36	30%
37 to 48	40%
49 to 60	50%
61 to 72	60%
73 to 84	70%
85 or more	80%

24. If an employee leaves employment with the County and returns, any forfeited leave time upon termination shall not be reinstated.
25. Sick day accrual payoff does not qualify as time applied toward retirement calculations.

#### **SICK TIME-PART TIME**

1. Part time regular employees who work an average of twenty-five (25) or more hours per week in the previous calendar year are eligible for forty (40) hours of paid sick leave credited on January 1<sup>st</sup> of the following year.
2. New hires are eligible for pro-rated sick time on their first day of employment, but must complete a successful 90 day probationary period before using sick time. Upon reaching the first full calendar year since employment, they will need to requalify each year to be eligible.
3. Each year part time employees must requalify for the forty (40) hours of paid sick leave by averaging twenty-five (25) hours or more per week for the previous calendar year.
4. An eligible employee shall not use more than forty (40) hours of sick leave per year or use time in advance of earning it.
5. Paid sick time shall not be carried over to the next year.
6. At time of separation of employment, any remaining paid sick leave is not eligible for pay out. If an employee leaves employment with the County and returns, any forfeited leave time upon termination shall not be reinstated. The employee will need to requalify.
7. Employee shall not use accrued sick time until successfully completing a 90 calendar probationary period.
8. Paid sick leave time will be prorated for new hires. If hired on or before the 15<sup>th</sup> of the month, they will receive that month's sick time.
9. Upon the satisfactory completion of the orientation period, an employer shall allow an eligible employee to use paid medical leave for any of the following:
  - A. The eligible employee's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee's mental or physical illness, injury, or health condition; or preventative medical care for the eligible employee.
  - B. The eligible employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee's family member's mental or physical illness, injury, or health condition; or preventative medical care for a family member of the eligible employee.
  - C. If the eligible employee or the eligible employee's family member is a victim of domestic violence or sexual assault, the medical care or psychological or other

counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.

- D. For closure of the eligible employee's primary workplace by order of a public official due to a public health emergency; for an eligible 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; or if it has been determined by the health authorities having jurisdiction or by a health care provider that the eligible employee's or eligible employee's family member's presence in the community would jeopardize the health of others because of the eligible employee's or family member's exposure to a communicable disease, whether or not the eligible employee or family member has actually contracted the communicable disease.
- E. Sick time must be used in one (1) hour increments and is subject to the policies and procedures of the employee's department.
- F. If an employee demonstrates a pattern of abuse or excessive use of sick time, they shall be subject to discipline, up to and including termination. Also, the County reserves the right to request a doctor's certification.

#### FUNERAL LEAVE

- 1. The employee shall also be allowed funeral leave days in the event of a death of family members and relatives as follows:
  - A. Up to five (5) working days with pay for: Spouse, Child, Step Child, Mother or Father.
  - B. Up to three (3) working days with pay with up to two (2) additional days with pay to be deducted from sick days for: Brother or Sister
  - C. Up to three (3) working days with pay to be deducted from sick days for: Step-Parent, Mother-In-Law, Father-In-Law, Son-In-Law, Daughter-In-Law, Brother-In-Law, Sister-In-Law, Grand Parent, Grand Child, Step Sibling, Step Grand Child, Legal Guardianship/Dependent
  - D. One (1) workday with pay to be deducted from sick days for: Spouse Stepparent, Spouse Son-In-Law or Daughter-In-Law, Spouse Grand Parent, Spouse Grand Child, Spouse Step Sibling, Spouse Brother-In-Law or Sister-In-Law, Aunt or Uncle, Niece or Nephew.
  - E. The employee may be required to provide proof of death of a family member.
  - F. One (1) additional day may be granted, to be deducted from the employee's vacation accumulation, in the event a funeral is two hundred and fifty (250) or more miles from the employee's residence.

#### JURY DUTY, SUBPOENA AND WITNESS FEE

- 1. An employee who is called to serve as a Juror in a court within St. Clair County shall continue to receive his or her normal County pay provided the time of the jury service coincided with the employee's regularly scheduled working hours. The employee must notify the Clerk's office and refuse pay. If the jury service is on the employee's non-work day, then they shall receive jury pay.
- 2. An employee who is called to serve on a Jury with a court outside St. Clair County will continue to receive his or her normal pay provided the jury service and/or travel time coincides with the employee's regularly scheduled working hours. The employee must forfeit the money to the County Treasurer.

3. In the event six (6) or more hours of jury duty and/or travel time occur immediately before or after the employee's regularly scheduled working hours, the employee shall not be required report to work that shift.
4. Any compensation, not including reimbursements of actual out-of-pocket expenses such as mileage reimbursement or meal allowance, paid an employee as a Juror during regularly scheduled working hours will be surrendered to the County Treasurer.
5. The employee with prior approval to use vacation or compensatory time shall be entitled to keep jury duty pay. The employee shall not be entitled to keep jury duty pay when on an approved paid disability leave. The employee shall not be entitled to use a sick day for the purpose of serving on a jury. An employee who claims to be ill and unable to work but serves jury duty shall not be entitled to County pay for the day and shall be subject to discipline up to and including employment termination.
6. An employee who is subpoenaed to produce records or to act as a witness shall continue to receive his or her normal pay when their participation is employment related.
7. Any compensation, such as subpoena or witness fees, but not including reimbursement of actual personal out-of-pocket expenses, shall be surrendered to the County Treasurer.

#### OVERTIME AND COMPENSATORY TIME

1. Only a department head and/or supervisor shall determine the need to work hours in addition to regularly scheduled hours of work.
  - A. An employee shall only be entitled to receive compensatory time for hours worked in addition to regularly scheduled hours of work when approved in advance by the department head and the employee voluntarily signs an agreement to accept compensatory time in lieu of overtime wages before the overtime is worked.
  - B. Approval must be reduced to writing either before or after the hours are actually worked.
  - C. The department head and/or supervisor are responsible for maintaining compensatory time records.
  - D. Compensatory time is not allowed when time is grant funded unless preapproved by the department head and grant guidelines allow for it. Overtime will be paid.
2. When overtime is necessary and required, it shall be compensated at time and one half the base rate for:
  - A. All work performed beyond the normal 37.5 or 40 hour workweek based on department operations.
  - B. Reporting early or returning later to work, as determined and approved by the department head and/or supervisor but only for such hour(s) that exceeds the normal daily hours.
  - C. A minimum of two (2) hours when reporting back to work.
  - D. Work performed on a holiday, which shall be at double time or two (2) times the base hourly rate.
3. Employees working in classifications considered exempt from the overtime provisions of the Federal Fair Labor Standards Act shall not receive overtime compensation or be eligible for compensatory time off.
4. The department head and/or supervisor should determine in advance of the hours worked whether the time will be paid as overtime pay or compensatory time. An employee who receives less than 10 paid days of leave per year is ineligible for compensatory time.
5. The department head and/or supervisor shall endeavor to grant an employee the use of his or her accrued compensatory time when requested by the employee. The department head and/or



supervisor shall be entitled to compel the employee to use accrued compensatory time as long as it remains lawful to do so.

6. An employee is required to complete a departmental overtime form in accordance with the policy of the department.
7. Compensatory time shall not accumulate beyond eighty (80) hours. Any time over this maximum will be paid out to the employee.
  - A. The departmental overtime form is to be submitted to the employee's supervisor authorizing the overtime no later than the employee's next scheduled workday.
  - B. The supervisor authorizing the overtime shall sign the form to verify the authorization to work the overtime.
  - C. The supervisor authorizing the overtime shall submit the overtime form to the payroll delegate in a timely manner to assure overtime payment in the pay period in which it is worked but not later than the following pay period in which the overtime was worked.
  - D. Overtime that is not authorized by a supervisor may not be compensated.
  - E. An employee or a supervisor that fails to provide notice of authorized overtime no later than the pay period following the pay period in which it is earned shall be subject to discipline up to and including employment termination.

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#### MILITARY SERVICE

1. Employees who are members of the National Guard or a Military Reserve unit shall be granted time off to a maximum of two weeks with pay annually to fulfill their obligation.
2. Any compensation in lieu of salary, not including reimbursements of actual expenses, paid an employee will be surrendered to the County Treasurer in order to receive normal County pay.
3. Any employee who leaves employment to serve in the armed forces, regardless of whether it is on active duty, National Guard or Military Reserve, will be entitled to reinstatement on satisfactory completion of the term of military service, in accordance with applicable law.

#### **Periodic**

**Review:** The Human Resources Director shall review this policy and make recommendations for changes as needed.

**Adopted:** July 25, 2019