



County of Frederick

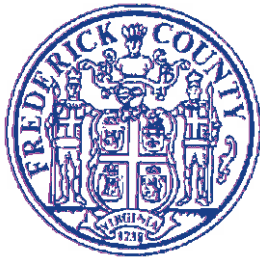
Paula A. Nofsinger
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TO: Human Resources Committee and Board of Supervisors
FROM: Paula Nofsinger, HR Director *Paula Nofsinger*
DATE: June 29, 2012
SUBJECT: HR Committee Agenda

The HR Committee will meet in the First Floor Conference Room at 107 North Kent Street on Friday, July 6, 2012, at 8:00a.m. The agenda for the meeting is as follows:

1. The review and approval of draft HR policies.
2. The review and approval of the Employee of the Month award.



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TO: Human Resources Committee and Board of Supervisors
FROM: Paula Nofsinger, HR Director *Paula Nofsinger*
DATE: June 29, 2012
SUBJECT: Summary of Policy Changes

Attached you will find three (3) policies that have been reviewed, updated, and matured to meet the needs of our current organization and employee population.

Even though some policies are essential and may be more complicated to simplify and comprehend, the Committee's objective in reviewing the recommended changes is to determine the level of understanding of the policy from an employee's perspective. The ultimate goal is to recommend to the Board a set of policies that are fundamental, compliant, and comprehensible to the extent possible.

Should you prefer a summary of changes, the following is a list made to each policy by section. In all cases throughout the policy manual, changed the word "Personnel" to "Human Resources."

VIII. Work Hours, Holidays, Leave Policy

1. Hours of Work
 - a. Edited section to reflect general office hours and department head discretion on individual work schedules.
2. Holiday Policy
 - a. Deleted sentence "If a full time employee is required to work on a holiday, he shall receive another day off with pay at the strait time rate." Our employees are compensated, in addition to their regular pay, when they work a holiday.
3. Annual Leave Policy
 - a. Converted the accrual rate from "days," to "hours." This should help clarify the benefit.
 - b. Deleted last sentence upon recommendation of County Attorney.
4. Sick Leave and FMLA
 - a. Removed references regarding FMLA as it will be covered in a separate section.
 - b. Removed references regarding injuries on the job as they will be covered in the Worker's Compensation section.

5. FMLA
 - a. Added new section with specific information about the law and how it will be utilized within the County.
6. Sick Leave Bank
 - a. Converted accrual rate to hours to help clarify benefit.
 - b. Deleted subsection "j." as it is an obsolete practice.
7. Extended Disability
 - a. Deleted section as it is an obsolete benefit.
8. Worker's Compensation
 - a. Enhanced section to reflect more specific information about the law and how it will be utilized within the County.
9. Injury Leave Policy
 - a. Deleted section as it is an obsolete benefit.
10. Funeral Leave Policy
 - a. Eliminate "aunt, uncle, niece, and nephew," in definition of "immediate" family member. This is consistent with definition used in Sick Leave policy.
 - b. Eliminated holiday leave as it is no longer an accrued leave. It is compensated when worked.
11. Military Leave
 - a. Eliminated code reference per County Attorney's recommendation.
 - b. Eliminated paragraph on Merit evaluations as they are conducted each year in July.
12. Leave With Out Pay
 - a. Changed this heading to a section with the various types of leave with out pay listed as subsections.

IX. Training Policy

1. Clarified the word "master's" to "graduate."
2. Combined the eligibility for reimbursement rules for undergraduate and graduate classes/programs to be consistent.

X. Service Awards

1. Clarified eligibility by adding "full time."
2. Changed "anniversary" date to "hire" date to reflect current practice.
3. Changed "\$100" to "\$200" for reward option to reflect current practice.

Thank you for your support and please contact me directly with any questions.

Current Policies

VIII. WORK HOURS, HOLIDAYS, LEAVE

8.1 Hours of Work

The official hours of work for the County shall be as follows: Office and Administrative Personnel 8:00 a.m. to 4:30 p.m. or 8:30 a.m. to 5:00 p.m. Monday through Friday. Field forces shall work generally from 8:00 a.m. to 5:00 p.m. daily Monday through Friday. Because of differing requirements, schedules may vary from these times. Lunch period is not to exceed one hour. Law enforcement and firefighter personnel will work varying shifts i.e. eight (8), ten (10), twelve (12) and twenty-four (24) hours based upon the needs of the department.

8.2 Holiday Policy

The County shall observe all state holidays and other such holidays as may be prescribed by the Board of Supervisors.

When a holiday falls on a Saturday, the preceding Friday shall be observed; when the holiday falls on a Sunday, the following Monday shall be observed. If a full-time employee is required to work on a holiday, he shall receive another day off with pay at the straight time rate. All full-time employees of the County shall be entitled to holiday benefits.

Current holidays observed by the County (13) are:

Lee Jackson	(State)	Labor Day	(Fed)
Martin Luther King's Day	(Fed)	Columbus Day	(Fed)
Presidents Day (Wash/Line)	(Fed)	Veterans Day	(Fed)
Apple Blossom Festival	(Local)	Thanksgiving Day	(Fed)
Memorial Day	(Fed)	Day after Thanksgiving	(Local)
Fourth of July	(Fed)	Christmas Day	(Fed)
		New Year's Day	(Fed)

LEAVE WITH PAY

8.3 Annual Leave Policy

All full-time employees of the County of Frederick shall be granted annual leave by the County as follows:

- a. One day per month for each month employed - twelve (12) days each year through the fifth year of employment. Maximum accumulation twenty-four (24) days = 192 hours.
 - b. One and one-quarter days per month for each month employed after the fifth year of employment fifteen (15) days. Maximum accumulation thirty (30) days = 240 hours.
 - c. One and one-half days per month for each month employed after the tenth year of employment - eighteen (18) days. Maximum accumulation thirty-six (36) days = 288 hours.
 - d. One and three-quarter days per month for each month employed after the fifteenth year of employment - twenty-one (21) days. Maximum accumulation is forty-two (42) days = 336 hours.
 - e. Two days per month for each month employed after the twentieth year of employment - twenty-four (24) days. Maximum accumulation is forty-eight (48) days = 384 hours.**
 - f. Two and one quarter days per month for each month employed after the twenty-fifth year of employment. Maximum accumulation is fifty-four (54) days = 432 hours.**
- ** (NOTE: e & f: Maximum payout will be at forty-two days = 336 hours).

Employees on annual leave shall be paid their prevailing wage based on the scheduled work week.

Employees while on annual leave will not be permitted to claim sick leave or funeral leave during this period of time.

Annual leave schedules shall be planned by Department Heads so as to obviate the need for a temporary increase in personnel.

Except in cases of illness or emergency, leave must be approved in advance.

Upon separation or retirement, a full-time employee shall be paid for all accrued annual leave not to exceed twenty-four (24) days - 1 to 5 years; thirty (30) days - 5 to 10 years; thirty-six (36) days - 10 to 15 years; and forty-two (42) days - 15 years and over.

In the event of death of the employee any wages due and payable to said employee shall be paid in accordance with the Statutes as set forth in the Code of Virginia 1950 as amended.

8.4 Sick Leave & FMLA

Sick leave is granted at the rate of one and one-quarter days per month (10 hours) with no maximum accumulation. Sick leave shall be defined as leave granted to the employee for himself or for a **“qualifying”** family member for an illness, medically required confinement, medical/dental appointments or bodily injury sustained during non-working hours. **“Qualifying”** family member shall be defined as the employee and spouse’s: parent, grandparent, son, daughter, brother, sister, grandchild, stepchildren, stepparent, and any person residing in the same household as the employee. (Bodily injury of the employee sustained while on the job shall be handled in accordance with the Injury Leave Policy para. 8.7)

A physician's written statement may be required by the immediate supervisor prior to any scheduled medical procedure of the employee and/or qualifying family member. In situations when prior notification is not feasible, a certificate from a physician shall be presented to the immediate supervisor as soon as possible after the procedure.

If the absence is such that more than three (3) consecutive working days are used for sick leave, the employee must furnish the Department Head a written statement from his/or qualifying family member’s physician.

In case of illness, the employee shall notify his immediate supervisor. An employee's abuse of this policy may result in the employee's immediate dismissal from the employment of the County.

The physician's written statement shall include:

- a. Nature of the medical condition (with due regard to personal privacy).
- b. The expected date the employee will be able to return to normal duty (as appropriate).
- c. Approximate date of anticipated release from a physician's care.

Once a Department Head determines sick leave can no longer be granted and additional leave days are required, other appropriate leave policies may be utilized (i.e. annual leave, sick leave bank, leave without pay, etc.). Absence for a job injury shall be recorded as injury leave.

Upon separation or retirement, a full-time employee shall be paid out at the rate of twenty-five percent (25%) of their accrued sick leave not to exceed \$2,500.

Family Medical Leave Act (FMLA)

The County shall adhere to the Family Medical Leave Act (FMLA). The following is a **general** overview. To qualify an employee must have:

1. worked for Frederick County for at least 12 months **and** have worked at least 1250 hours
2. a serious medical condition of the employee or **“eligible”** family member, as defined per

FMLA

3. or for the birth or adoption of a child.

For the complete policy and procedures for use of FMLA please contact the Personnel Department.

8.5 Sick Leave Bank

All full time employees are eligible for membership in the sick leave bank (SLB) during their first three (3) months of employment. The SLB shall operate as follows:

- g. The employee shall be required to initially donate one day (8 hours) of sick leave, and thereafter, may be required to donate one day (8 hours) annually if deemed necessary by management.
- h. The following conditions must be met in order for a member to use the SLB for themselves or for a *qualifying* family member (“*qualifying*” per the sick leave policy). The sick leave bank is not intended, nor permitted for use for other than approved, qualifying events.
 - 1. A serious extended medical condition of the member or qualifying family member.
 - 2. Present appropriate doctor’s medical certification to include expected duration of the absence.
 - 3. Deplete *all* accumulated leave prior to use of the SLB: sick, holiday, comp. and annual.
 - 4. Must be approved by the Department Director, Personnel Director, and County Administrator.
- i. A member is allowed a maximum of twenty (20) days (160 hours) in a twelve month period for themselves, or a qualifying family member.
- j. A departing employee shall be permitted to donate up to fifty (50) days (400 hours) of their unused sick leave to the SLB, (there is no payout on SLB hours). The maximum amount of time accumulated in the SLB shall not exceed the amount necessary to accommodate the membership and shall be monitored by the Personnel Office and the County Administrator.

8.6 Extended Disability

An employee who has used all of his accumulated general leave and is absent for an extended period because of illness or accident may be continued on the payroll at half pay for a maximum period of six (6) weeks when recommended and approved by the County Administrator. In determining whether to grant this discretionary leave, consideration will be given to the length of service, the quality of service, and the leave record of the employee.

8.7 Injury Leave Policy

Policy - Injury leave may be granted to protect an employee when he has sustained injury arising out of or in the course of the performance of his job.

Length - An employee sustaining a compensable injury or illness under the Worker's Compensation Act may be granted injury leave at the discretion of the Personnel Department. Injury leave is ordinarily approved for the length of time necessary to enable the employee to return to work following an on-the-job accident. If an employee does not return to work upon the expiration of his approved leave period, after investigating the circumstances, and with burden of proof upon the employee, the Supervisor or Department Head may charge such absence to vacation leave or take disciplinary action, upon notification to the employee of the action.

Compensation - During the first seven (7) calendar days of necessary absence, injury leave with full pay will be allowed. Following this period, for not longer than thirty-six (36) weeks of necessary absence, the employee shall be allowed the difference between compensation allowed under the Worker's Compensation Act (2/3 of salary), and full salary otherwise payable. Such employee, upon recommendation of the County Administrator and upon satisfactory medical information, shall be entitled to be paid, as aforesaid, for a period of time not to exceed the following:

Employment to 5 years-12 weeks	5 to 10 years-24 weeks	over 10 years-36 weeks
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After the period of disability stated above, the employee will be dropped temporarily from the payroll and retirement benefits and the employee will retain compensation check for duration of disability.

The County will continue to pay the employees share of insurance premiums during the periods stated above. After the period of disability stated above, the County will continue the disabled employee's insurance coverages for a period of eighteen (18) months after being dropped from the payroll, said coverage to be at the expense of the employee.

If the employee is absent from work, as a result of injury, for longer than a three (3) week period, the employee must reimburse the County for Worker's Compensation payments received for the first seven (7) calendar days of absence and any other funds received over and above the employee's regular salary paid by the County in accordance with Section 65.1-62 of the Virginia Worker's Compensation Act, Annotated 1982.

Use of Sick and Vacation Leave

If upon expiration of the compensation period stated above the employee is unable to return to duty, the employee may apply all or any portion of accrued and currently earned vacation leave or sick leave toward additional required absence and be so compensated to the limit of such accrual and earnings. Compensation as may be allowed under the Worker's Compensation Act shall not be deducted from these salary payments. Normal earnings and credit of vacation and sick leave shall be applied to the employee during the periods prescribed in this paragraph and in the compensation section. Where doubt exists that any injury sustained by an employee has, in fact, arisen out of or in the course of performance of duty, until proper ruling is made, absence shall be charged to sick leave. When and if the injury is ruled to be job-related, then charge for the absence will be charged to injury leave and all sick leave restored.

8.8 Funeral Leave Policy

The purpose of this policy is to provide an employee with leave in the event of the death of an *"immediate"* family member.

Funeral leave shall be defined as leave with pay granted to regular full-time employees only upon the death of a member of the *immediate* family. *"Immediate"* family member shall be defined as: the employee and spouse's: parent, grandparent, son, daughter, brother, sister, grandchild, stepchildren, stepparent, guardian, aunt, uncle, niece, nephew, and any persons residing in the same household as the employee.

Funeral leave shall be granted by the Department Head if requested by the employee for a period of up to, and not to exceed, three (3) consecutive working days. This leave shall commence upon notification and approval by the Department Head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the funeral leave shall be granted accordingly.

Employees while on annual, sick, or holiday leave will not be permitted to claim funeral leave, during this period of time.

8.9 Court Leave Policy

An employee's absence from work for jury duty or for attending court in a non-official capacity as a witness shall be defined as "court leave".

Any person who is summoned to serve on jury duty or any person, except a defendant in a criminal case, who is summoned or subpoenaed to appear in a court of law when a case is to be heard shall neither be discharged from employment, nor have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his employer of such court appearance or summons.

An employee having been granted court leave shall be compensated at the regular rate of pay during these court appearances. Any compensation for jury duty as well as for witness service may also be retained by the employee.

Employees summoned by a court for the purpose of qualifying for jury duty are entitled to court leave for the actual period of absence, whether or not they are selected to serve. If the employee's presence is required for less than a full work day, the employee is required to return to work. Any employee who fails to return to work shall be subject to the loss of pay for that day.

8.10 Military Leave Policy

The purpose of this policy is to provide County employees time required to fulfill military training/active duty obligations for the Armed Forces of the United States, Reserve Forces, National Guard or Naval Militia or any of the branches of the U.S. Armed Forces.

Employees are entitled to fifteen (15) work days of leave (per federal fiscal year (October 1 through September 30)) from his duties without loss of accumulated leave or regular salary in accordance with the Code of Virginia, (Article 10, Section 44-93 and Title 138 of the United States Code, Chapter 43, Section 2024 (d)). Once the 15-day entitlement has been exhausted during the federal fiscal year, the employee must then begin to use accumulated leave, and leave without pay (LWOP) if necessary, for continued military leave.

Merit evaluation: When an employee is on military duty for more than 160 consecutive working hours, and has not completed a full year's evaluation period, the evaluation will be conducted upon the employee's return. The evaluation scores will be used for record purposes only, and not used for calculation of the merit increase. However, the employee will receive the flat average percentage merit increase, as approved each year by the Board of Supervisors. Such increase will be paid retroactive only to the pay periods in which the employee was absent **and** received pay. Leave without pay (LWOP) periods will not qualify for the retroactive increase. The merit evaluation date will not change (unlike other absences see VII sec. 7.2).

The Department Head must present to the Personnel Department a copy of the employee's orders prior to the effective date of the utilization of military leave.

LEAVE WITHOUT PAY

An employee who has exhausted his general leave may request to be placed on leave without pay when approved by the County Administrator. Such leave shall ordinarily be limited

to a period of six (6) months. Employees on approved leave without pay shall be permitted to continue their hospitalization, dental and life insurance coverage under the County's group policy at the employee's expense.

8.11 Educational Leave

A full time employee may be given a leave of absence for a maximum period of one year to take training in educational institutions which would benefit him in the performance of his County duties. Full or partial pay may also be granted for a limited period of educational leave when provided for in the current approved operating budget. Educational leave must be approved by the Board of Supervisors.

8.12 Unauthorized Absence

An employee must notify his immediate supervisor within two (2) hours of the beginning of scheduled commencement of duties if he is going to be absent. An hourly employee who is absent from duty without approval of his supervisor shall receive no pay for the duration of the absence, and all employees absent without authorization shall be subject to disciplinary action as described herein. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given to each case.

8.13 Absences for Less Than a Full Work Day

Exempt employees absent for less than a full work day shall not have their pay reduced on account of such absence, but they may be required to use any leave available for such absence.

8.14 Absenteeism

All employees of Frederick County have important jobs. Because of this, if an employee is unable to report for duty he must notify the supervisor in charge prior to the beginning of the shift if physically possible. Recurrent absenteeism and tardiness interferes with the functioning of the County, and upon continuance, will result in disciplinary action.

IX. TRAINING POLICY

With prior approval of the County Administrator, in such forms as may be prescribed by him, employees shall be reimbursed for all reasonable expenses incurred in participation in short courses, seminars, conferences, meetings, etc., coincident with the employee's routine responsibilities with the County.

With prior approval of the County Administrator, employees may be reimbursed for the cost of tuition and books for actual class attendance or for correspondence courses, satisfactorily completed with achievement of a Grade "C" or better which are directly related and which will enhance the employee's ability to perform the job for which he was hired. Employees achieving less than a Grade "C" will not be eligible for reimbursement.

With the approval of the County Administrator, the employee may be advanced the costs of tuition and books for approved courses, based upon written documentation by the Department Head and the employee that a financial hardship exists. Documentation shall include a written request for prepaid assistance by the employee and written approval by the Department Head. Costs to be incurred shall be set forth in full. The County Administrator shall review the request, and upon approval, shall require execution of a contract between the employee and the County whereby the employee will agree to reimburse the County, either through payroll deduction or surrender of sufficient accrued annual leave, the total cost of the prepaid assistance should the class not be completed with a Grade "C" or better. In either case, the funds shall be reimbursed within ninety (90) days of the completion of the course.

With approval of the County Administrator, employees who have successfully completed an undergraduate degree may receive tuition funding for participation in a master's program in their related field with the following stipulations:

- a. A grade of "B" or better must be achieved.
- b. When the program is successfully completed the employee shall agree to remain employed with the County for a period of not less than 1 year for each 18 hours taken in the program.
- c. Should the employee not complete the program he/she shall be required to reimburse all funds paid by the County toward the program.
- d. Should the employee successfully complete the program but leave the employ of the County prior to completing his period of service as set forth above, the prorated amount of funding for service not rendered shall be repaid to the County.

The County Administrator shall be responsible for the organization, conduct and execution of any other training program which might be of value to County employees (in-service training).

X. SERVICE AWARDS POLICY

10.1 Purpose

The purpose of the Service Awards Program is:

- a. to commend faithful and proficient service performed by County employees
- b. to emphasize that each individual plays a key role in the County's progress
- c. to recognize that an employee's contribution grows with each additional year of service, and his performance of job duties
- d. to encourage career employment with the County

10.2 Basis for Awards

Determination of Awards

Service Awards will be based on continuous and proficient service (as defined below) by eligible employees.

Continuous Service

Any break in service for a period of 160 consecutive working hours shall destroy the continuity of service. However, authorized leaves of absence such as annual leave, military training leave and approved sick leave shall not destroy continuity of service and credit for the time will be granted; nor shall military duty leave, approved education leave and other approved leaves of absence destroy continuity of service. The employee shall be required to exhibit a proficient performance rating to be eligible for such award.

Dismissal

No credit shall be given for employment with the County terminated by a dismissal. Any employee who is dismissed and is later re-employed with the County shall not receive credit for previous employment with the County.

10.3 Awards

Service Awards

Service awards shall be made according to the following schedule:

<u>Years of Service</u>									
5	10	15	20	25	30	35	40	45	

10.4 Administration

Presentation of Awards

Awards shall be presented at such time and date established by the County Administrator.

Computation of Length of Services

Time in service shall be computed annually based on the employee's anniversary date and shall take into account continuous months of service as defined in para 10.2.

10.5 Employee of the Month Award

The Board of Supervisors, upon recommendation by the Personnel Committee, will select and present this award to one employee each month. Candidates may be nominated by any other County employee. Nomination forms should be submitted to the Personnel Department by the 1st of the month in order to be considered for the award for the following month. Employees may be nominated more than one time during the award year, but are only eligible to receive the award one time per year. Department Heads and Constitutional Officers are not eligible to receive this award.

The employee will be selected on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County. Civic activities may be considered. Recipients of this award will receive a certificate, an extra paid annual leave day or a \$100 cash award and the recipient's name will be added to the Employee of the Month plaque located in the County Administration Building. Recipients over the past twelve month award period will be recognized at the Annual Awards Banquet.

10.6 Employee of the Year Award

The Board of Supervisors, upon recommendation by the Personnel Committee, will select and present this award to one employee each year. Eligible candidates will be those employees who received an Employee of the Month award over the past twelve (12) month award period. This award will be presented to the employee whose service most serves as an example to all other employees within the County. The recipient of the award will receive an engraved plaque presented at the Annual Awards Banquet and a \$250 cash award.

Red-lined Policies

VIII. WORK HOURS, HOLIDAYS, LEAVE

8.1 Hours of Work

~~_____The official hours of work for the County shall be as follows: Office and Administrative Personnel 8:00 a.m. to 4:30 p.m. or 8:30 a.m. to 5:00 p.m. Monday through Friday. Field forces shall work generally from 8:00 a.m. to 5:00 p.m. daily Monday through Friday. Because of differing requirements, schedules may vary from these times. Lunch period is not to exceed one hour. Law enforcement and firefighter personnel will work varying shifts i.e. eight (8), ten (10), twelve (12) and twenty four (24) hours based upon the needs of the department. Generally, office hours are from 8:00am to 5:00pm. Individual work schedules are set at the Department Head's discretion based upon business requirements.~~

8.2 Holidays Policy

The County shall observe all federal and state holidays and other such holidays as may be prescribed by the Board of Supervisors.

When a holiday falls on a Saturday, the preceding Friday shall be observed; when the holiday falls on a Sunday, the following Monday shall be observed. ~~If a full-time employee is required to work on a holiday, he shall receive another day off with pay at the straight time rate.~~ All full-time employees of the County shall be entitled to holiday benefits.

Current holidays observed by the County ~~(13)~~ are:

Lee Jackson <u>Day</u>	(State)	Labor Day	(Fed)
Martin Luther King's Day	(Fed)	Columbus Day	(Fed)
Presidents Day (Wash/Linc)	(Fed)	Veterans Day	(Fed)
Apple Blossom Festival	(Local)	Thanksgiving Day	(Fed)
Memorial Day	(Fed)	Day after Thanksgiving	(Local)
Fourth of July	(Fed)	Christmas Day	(Fed)
		New Year's Day	(Fed)

LEAVE WITH PAY

8.3 Annual Leave Policy

All full-time employees of the County of Frederick shall be granted annual leave by the County as follows:

- a. ~~One day~~Eight hours per month for each month employed - ~~twelve (12) days~~Ninety-six hours each year through the fifth year of employment. Maximum accumulation ~~twenty four (24) days = is~~ 192 hours.
- b. ~~One and one quarter days~~Ten hours per month for each month employed after the fifth year of employment. 120 hours total per year. ~~fifteen (15) days~~. Maximum accumulation ~~thirty (30) days = is~~ 240 hours.
- c. ~~One and one half days~~Twelve hours per month for each month employed after the tenth year of employment - ~~eighteen (18) days~~144 hours total per year. Maximum accumulation ~~thirty six (36) days = is~~ 288 hours.
- d. ~~One and three quarter days~~Fourteen hours per month for each month employed after the fifteenth year of employment - ~~twenty one (21) days~~168 hours total per year. Maximum accumulation is ~~forty two (42) days =~~ 336 hours.

- e. ~~Two days~~Sixteen hours per month for each month employed after the twentieth year of employment - ~~twenty-four (24) days~~192 hours total per year. Maximum accumulation is ~~forty-eight (48) days~~= 384 hours.**
- f. ~~Two and one quarter days~~Eighteen hours per month for each month employed after the twenty-fifth year of employment- ~~216 hours total per year~~. Maximum accumulation is ~~fifty-four (54) days~~= 432 hours.**
 **~~(NOTE: e & f: Maximum payout will be at forty two days = 336 hours).~~

Employees on annual leave shall be paid their prevailing wage based on the scheduled work week.

Employees while on annual leave will not be permitted to claim sick leave or funeral leave during this period of time.

Annual leave schedules shall be planned by Department Heads so as to ~~obviate~~prevent the need for a temporary increase in personnel.

Except in cases of illness or emergency, leave must be approved in advance.

Upon separation or retirement, a full-time employee shall be paid for all accrued annual leave not to exceed ~~twenty-four (24) days~~192 hours - 1 to 5 years; ~~thirty (30) days~~240 hours - 5 to 10 years; ~~thirty-six (36) days~~288 hours - 10 to 15 years; and ~~forty-two (42) days~~336 hours - 15 years and over.

~~In the event of death of the employee any wages due and payable to said employee shall be paid in accordance with the Statutes as set forth in the Code of Virginia 1950 as amended.~~

8.4 Sick Leave & FMLA

Sick leave is granted at the rate of ~~one and one quarter days per month (10)~~ten hours ~~per month~~ with no maximum accumulation. Sick leave shall be defined as leave granted to the employee for himself or for a "qualifying" family member for an illness, medically required confinement, medical/dental appointments or bodily injury sustained during non-working hours. "Qualifying" family member shall be defined as the employee and spouse's; parent, grandparent, son, daughter, brother, sister, grandchild, stepchildren, stepparent, and any person residing in the same household as the employee. ~~(Bodily injury of the employee sustained while on the job shall be handled in accordance with the Injury Leave Policy para. 8.7)~~

A physician's written statement may be required by the immediate supervisor prior to any scheduled medical procedure of the employee and/or qualifying family member. In situations when prior notification is not feasible, a certificate from a physician shall be presented to the immediate supervisor as soon as possible after the procedure.

If the absence is such that more than three (3) consecutive working days are used for sick leave, the employee must furnish the Department Head a written statement from his/or qualifying family member's physician.

In case of illness, the employee shall notify his immediate supervisor. An employee's abuse of this policy may result in the employee's immediate dismissal from the employment of the County.

The physician's written statement shall include:

- a. Nature of the medical condition (with due regard to personal privacy).
- b. The expected date the employee will be able to return to normal duty (as appropriate).
- c. Approximate date of anticipated release from a physician's care.

Once a Department Head determines sick leave can no longer be granted and additional leave days are required, other appropriate leave policies may be utilized (i.e. annual leave, sick leave bank, leave without pay, etc.). ~~Absence for a job injury shall be recorded as injury leave.~~

Upon separation or retirement, a full-time employee shall be paid out at the rate of twenty-five percent (25%) of their accrued sick leave not to exceed \$2,500.

~~Family Medical Leave Act (FMLA)~~

~~The County shall adhere to the Family Medical Leave Act (FMLA). The following is a *general* overview. To qualify an employee must have:~~

- ~~1. worked for Frederick County for at least 12 months *and* have worked at least 1250 hours~~
- ~~2. a serious medical condition of the employee or "*eligible*" family member, as defined per FMLA~~
- ~~3. or for the birth or adoption of a child.~~

~~For the complete policy and procedures for use of FMLA please contact the Personnel Department.~~

8.5 Family Medical Lave Act (FMLA)

Frederick County will comply with the Family and Medical Leave Act implementing Regulations as revised effective October 28, 2009. The County posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in the new employee orientation package.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Human Resources Director in writing.

A. General Provisions

Under this policy, Frederick County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

B. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

3) The employee must work in a worksite where 50 or more employees are employed by the County within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

C. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1) The birth of a child and in order to care for that child.

2) The placement of a child for adoption or foster care and to care for the newly placed child.

3) To care for a spouse, child or parent with a serious health condition (described below).

4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year. Employees with questions about what illnesses are covered under this FMLA policy or under the County's sick leave policy are encouraged to consult with the Human Resource Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

"Covered active duty" means:

(a) 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

(b) 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 under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term "covered service member" means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (b) 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 any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term "serious injury or illness":

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and (b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

D. Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount

of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

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 (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

E. Employee Status and Benefits During Leave

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

Under current County policy, the employee may pay a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Human Resources Department by the 1st day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance, disability plan or any other voluntary contribution, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of eligible benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

F. Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

G. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if the employee is eligible for six weeks of worker's compensation leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation and sick leave (as long as the reason for the absence is covered by the County's sick leave policy) prior to being eligible for unpaid leave.

H. Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

I. Certification for the Employee's Serious Health Condition

The County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov>).

The County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second

opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

J. Certification for the Family Member's Serious Health Condition

The County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<http://www.dol.gov>).

The County may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's family member's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

K. Certification of Qualifying Exigency for Military Family Leave

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov>).

L. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov>).

M. Recertification

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA

absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

N. Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide written notice of the need for the leave to the HR Director. Within five business days after the employee has provided this notice, the HR Director will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov>).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

O. Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov>).

P. Intent to Return to Work From FMLA Leave

On a basis that does not discriminate against employees on FMLA leave; the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

8.6 Sick Leave Bank (SLB)

All full time employees are eligible for membership in the sick leave bank (SLB) during their first three (3) months of employment. The SLB shall operate as follows:

- g. The employee shall be required to initially donate ~~one day (8 hours)~~ of sick leave, and thereafter, may be required to donate ~~one day (8 hours)~~ annually if deemed necessary by management.
- h. The following conditions must be met in order for a member to use the SLB for themselves or for a *qualifying* family member ("*qualifying*" per the sick leave policy). The sick leave bank is not intended, nor permitted for use for other than approved, qualifying events.
 - 1. A serious extended medical condition of the member or qualifying family member.
 - 2. Present appropriate doctor's medical certification to include expected duration of the absence.
 - 3. Deplete *all* accumulated leave prior to use of the SLB: sick, holiday, comp. and annual.
 - 4. Must be approved by the Department Director, ~~Personnel~~ HR Director, and County Administrator.
- i. A member is allowed a maximum of ~~twenty (20) days (160 hours)~~ in a twelve month period for themselves, or a qualifying family member.

- j. ~~A departing employee shall be permitted to donate up to fifty (50) days (400 hours) of their unused sick leave to the SLB, (there is no payout on SLB hours). The maximum amount of time accumulated in the SLB shall not exceed the amount necessary to accommodate the membership and shall be monitored by the Personnel Office and the County Administrator.~~

~~8.6 Extended Disability~~

~~An employee who has used all of his accumulated general leave and is absent for an extended period because of illness or accident may be continued on the payroll at half pay for a maximum period of six (6) weeks when recommended and approved by the County Administrator. In determining whether to grant this discretionary leave, consideration will be given to the length of service, the quality of service, and the leave record of the employee.~~

8.7 Workers' Compensation

The County may pay related medical expenses—at no cost to the employee—for an accident or qualifying illness that occurs as a result of work. Workers' compensation coverage is provided for full-time, part-time and temporary employees. In addition the employee may be entitled to compensation to help offset the loss of wages while unable to work. Employees do not share in the cost of workers' compensation; the County pays the entire cost.

Any work-related injury or illness must be immediately reported in to the employee's supervisor. The *Report of Accident or Injury* and the *Panel of Physicians* must be completed by the supervisor and employee and forwarded to Risk Management within two days of the accident. These forms are to be completed even if the employee does not receive medical treatment (record only). The County's Workers' Compensation carrier will investigate and review all claims submitted for eligibility and compensability.

State law allows the County to designate physicians that the employees must choose from for an examination verifying the extent of the injury or illness. If an employee chooses to be treated by a physician other than one on the County's panel of physicians, the employee may be responsible for medical expenses related to that treatment.

During the first seven calendar days that an employee is absent from work because of job-related illness or injury, the employee must use accrued sick leave hours to receive full pay. After the first seven days, employees receive a percentage of their salary as set by state law. In order for the employee to receive full salary, the remaining percentage will be covered by use of the employee's paid leave, to include sick and /or annual leave. Should the employee not have enough paid leave to cover the difference between the wage replacement benefit and full salary amount, leave without pay will be used. Additionally, further paid leave benefits will not continue to accrue while the employee is out on workers' compensation. If the employee is absent more than 21 calendar days because of an approved job-related illness or injury, the County will reinstate the leave that was used.

When an employee receives wage replacement benefit payments from the workers' compensation carrier, the County is notified of the employee's payment. This benefit payment amount is then deducted from upcoming paychecks for the employee. These reductions to the paychecks continue until all benefit payments are recovered.

Questions regarding workers' compensation may be directed to Risk Management.

Injury Leave Policy

~~———— **Policy** — Injury leave may be granted to protect an employee when he has sustained injury arising out of or in the course of the performance of his job.~~

~~———— **Length** — An employee sustaining a compensable injury or illness under the Worker's Compensation Act may be granted injury leave at the discretion of the Personnel Department. Injury leave is ordinarily approved for the length of time necessary to enable the employee to return to work following an on-the-job accident. If an employee does not return to work upon the expiration of his approved leave period, after investigating the circumstances, and with burden of proof upon the employee, the Supervisor or Department Head may charge such absence to vacation leave or take disciplinary action, upon notification to the employee of the action.~~

~~**Compensation** — During the first seven (7) calendar days of necessary absence, injury leave with full pay will be allowed. Following this period, for not longer than thirty-six (36) weeks of necessary absence, the employee shall be allowed the difference between compensation allowed under the Worker's Compensation Act (2/3 of salary), and full salary otherwise payable. Such employee, upon recommendation of the County Administrator and upon satisfactory medical information, shall be entitled to be paid, as aforesaid, for a period of time not to exceed the following: — Employment to 5 years — 12 weeks — 5 to 10 years — 24 weeks — over 10 years — 36 weeks~~

~~———— After the period of disability stated above, the employee will be dropped temporarily from the payroll and retirement benefits and the employee will retain compensation check for duration of disability.~~

~~———— The County will continue to pay the employees share of insurance premiums during the periods stated above. After the period of disability stated above, the County will continue the disabled employee's insurance coverages for a period of eighteen (18) months after being dropped from the payroll, said coverage to be at the expense of the employee.~~

~~———— If the employee is absent from work, as a result of injury, for longer than a three (3) week period, the employee must reimburse the County for Worker's Compensation payments received for the first seven (7) calendar days of absence and any other funds received over and above the employee's regular salary paid by the County in accordance with Section 65.1-62 of the Virginia Worker's Compensation Act, Annotated 1982.~~

Use of Sick and Vacation Leave

~~———— If upon expiration of the compensation period stated above the employee is unable to return to duty, the employee may apply all or any portion of accrued and currently earned vacation leave or sick leave toward additional required absence and be so compensated to the limit of such accrual and earnings. Compensation as may be allowed under the Worker's Compensation Act shall not be deducted from these salary payments. Normal earnings and credit of vacation and sick leave shall be applied to the employee during the periods prescribed in this paragraph and in the compensation section. Where doubt exists that any injury sustained by an employee has, in fact, arisen out of or in the course of performance of duty, until proper ruling is made, absence shall be charged to sick leave. When and if the injury is ruled to be job-related, then charge for the absence will be charged to injury leave and all sick leave restored.~~

8.8 Funeral Leave Policy

The purpose of this policy is to provide an employee with leave in the event of the death of an *"immediate"* family member.

Funeral leave shall be defined as leave with pay granted to regular full-time employees only upon the death of a member of the *immediate* family. "*Immediate*" family member shall be defined as: the employee and spouse's: parent, grandparent, son, daughter, brother, sister, grandchild, stepchildren, stepparent, guardian, ~~aunt, uncle, niece, nephew~~, and any persons residing in the same household as the employee.

Funeral leave shall be granted by the Department Head if requested by the employee for a period of up to, and not to exceed, three (3) consecutive working days. This leave shall commence upon notification and approval by the Department Head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the funeral leave shall be granted accordingly.

Employees while on annual, ~~or sick, or holiday~~ leave will not be permitted to claim funeral leave, during this period of time.

8.9 Court Leave Policy

An employee's absence from work for jury duty or for attending court in a non-official capacity as a witness shall be defined as "court leave".

Any person who is summoned to serve on jury duty or any person, except a defendant in a criminal case, who is summoned or subpoenaed to appear in a court of law when a case is to be heard shall neither be discharged from employment, nor have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his employer of such court appearance or summons.

An employee having been granted court leave shall be compensated at the regular rate of pay during these court appearances. Any compensation for jury duty as well as for witness service may also be retained by the employee.

Employees summoned by a court for the purpose of qualifying for jury duty are entitled to court leave for the actual period of absence, whether or not they are selected to serve. If the employee's presence is required for less than a full work day, the employee is required to return to work. Any employee who fails to return to work shall be subject to the loss of pay for that day.

8.10 Military Leave Policy

~~The purpose of this policy is to provide County employees~~ Leave in which an employee's absence time is required to fulfill military training/active duty obligations for the Armed Forces of the United States, Reserve Forces, National Guard or Naval Militia or any of the branches of the U.S. Armed Forces shall be defined as "military leave."

Employees are entitled to fifteen (15) work days of leave ~~(per federal fiscal year (October 1 through September 30))~~ from his duties without loss of accumulated leave or regular salary. ~~in accordance with the Code of Virginia, (Article 10, Section 44-93 and Title 138 of the United States Code, Chapter 43, Section 2024 (d)).~~ Once the 15-day entitlement has been exhausted during the federal fiscal year, the employee must then begin to use accumulated leave, and leave without pay (LWOP) if necessary, for continued military leave.

~~———— Merit evaluation: When an employee is on military duty for more than 160 consecutive working hours, and has not completed a full year's evaluation period, the evaluation will be conducted upon the employee's return. The evaluation scores will be used for record purposes~~

~~only, and not used for calculation of the merit increase. However, the employee will receive the flat average percentage merit increase, as approved each year by the Board of Supervisors. Such increase will be paid retroactive only to the pay periods in which the employee was absent and received pay. Leave without pay (LWOP) periods will not qualify for the retroactive increase. The merit evaluation date will not change (unlike other absences see VII sec. 7.2).~~

The Department Head must present to the ~~Personnel~~HR Department a copy of the employee's orders prior to the effective date of the utilization of military leave.

8.111 LEAVE WITHOUT PAYLeave Without Pay (LWOP)

An employee who has exhausted his general-accrued leave may request to be placed on leave without pay for a specified period when approved by the County Administrator. ~~Such leave shall ordinarily be limited to a period of six (6) months.~~ Employees on approved leave without pay shall be permitted to continue their hospitalization, dental and life insurance coverage under the County's group policy at the employee's expense.

8.11a. Educational Leave

A full time employee may be given a leave of absence for a maximum period of one year to take training in educational institutions which would benefit him in the performance of his County duties. Full or partial pay may also be granted for a limited period of educational leave when provided for in the current approved operating budget. Educational leave must be approved by the Board of Supervisors.

8.12b. Unauthorized Absence

An employee must notify his immediate supervisor within two (2) hours of the beginning of scheduled commencement of duties if he is going to be absent. An ~~hourly~~ employee who is absent from duty without approval of his supervisor shall receive no pay for the duration of the absence, and all employees absent without authorization shall be subject to disciplinary action. ~~as described herein.~~ It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given to each case.

8.13c. Absences for Less Than a Full Work Day

Exempt employees absent for less than a full work day shall not have their pay reduced on account of such absence, but they may be required to use any leave available for such absence.

8.14d. Absenteeism

All employees of Frederick County have important jobs. Because of this, if an employee is unable to report for duty he must notify the supervisor in charge prior to the beginning of the shift if physically possible. Recurrent absenteeism and tardiness interferes with the functioning of the County, and upon continuance, will result in disciplinary action.

IX. TRAINING POLICY

With prior approval of the County Administrator, in such forms as may be prescribed by him, employees shall be reimbursed for all reasonable expenses incurred in participation in short courses, seminars, conferences, meetings, etc., coincident with the employee's routine responsibilities with the County.

With prior approval of the County Administrator, employees may be reimbursed for the cost of tuition and books for actual undergraduate class attendance or ~~for~~ correspondence courses, satisfactorily completed with achievement of a Grade "C" or better which are directly related and which will enhance the employee's ability to perform the job for which he was hired. Employees who have successfully completed an undergraduate degree may be reimbursed for the cost of tuition and books for satisfactorily completing a graduate degree program in a job-related field with a grade "B" or better. Employees achieving less than ~~a Grade "C"~~ the required grade will not be eligible for reimbursement.

~~With the approval of the County Administrator, the employee may be advanced the costs of tuition and books for approved courses, based upon written documentation by the Department Head and the employee that a financial hardship exists. Documentation shall include a written request for prepaid assistance by the employee and written approval by the Department Head. Costs to be incurred shall be set forth in full. The County Administrator shall review the request, and upon approval, shall require execution of a contract between the employee and the County whereby the employee will agree to reimburse the County, either through payroll deduction or surrender of sufficient accrued annual leave, the total cost of the prepaid assistance should the class not be completed with a Grade "C" or better. In either case, the funds shall be reimbursed within ninety (90) days of the completion of the course.~~

~~With approval of the County Administrator, employees who have successfully completed an undergraduate degree may receive tuition funding for participation in a master's program in their related field with the following stipulations:~~

Eligibility for Reimbursement:

- a. A grade of "B" or better for graduate programs or a grade of "C" or better for undergraduate classes must be achieved.
- b. When the program or class is successfully completed the employee shall agree to remain employed with the County for a period of not less than 1 year for each 18 hours taken in the graduate program or from the end date of the last satisfactorily completed undergraduate class.
- c. Should the employee not complete the graduate program he/she shall be required to reimburse all funds paid by the County toward the program.
- d. Should the employee successfully complete the program or class but leave the employ of the County prior to completing his period of service as set forth above, the prorated amount of funding for service not rendered shall be repaid to the County.

~~With the approval of the County Administrator, the employee may be advanced the costs of tuition and books for approved courses, based upon written documentation by the Department Head and the employee that a financial hardship exists. Documentation shall include a written request for prepaid assistance by the employee and written approval by the Department Head. Costs to be incurred shall be set forth in full. The County Administrator shall review the request, and upon approval, shall require execution of a contract between the employee and the County~~

whereby the employee will agree to reimburse the County, either through payroll deduction or surrender of sufficient accrued annual leave, the total cost of the prepaid assistance should the class not be completed with the required grade or better. In either case, the funds shall be reimbursed within ninety (90) days of the completion of the course.

The County Administrator shall be responsible for the organization, conduct and execution of any other training program which might be of value to County employees (in-service training).

X. SERVICE AWARDS POLICY

10.1 Purpose

The purpose of the Service Awards Program is:

- a. to commend faithful and proficient service performed by County employees
- b. to emphasize that each individual plays a key role in the County's progress
- c. to recognize that an employee's contribution grows with each additional year of service, and his performance of job duties
- d. to encourage career employment with the County

10.2 Basis for Awards

Determination of Awards

Service Awards will be based on continuous and proficient service (as defined below) by eligible, ~~full-time~~ employees.

Continuous and Proficient Service

Any break in service for a period of 160 consecutive working hours shall destroy the continuity of service. However, authorized leaves of absence such as annual leave, military training leave, ~~and approved sick leave shall not destroy continuity of service and credit for the time will be granted; nor shall military duty leave,~~ approved education leave and other approved leaves of absence ~~shall not~~ destroy continuity of service ~~and credit for the time will be granted.~~ The employee shall be required to exhibit a proficient performance rating to be eligible for such award.

Dismissal

No credit shall be given for employment with the County terminated by a dismissal. Any employee who is dismissed and is later re-employed with the County shall not receive credit for previous employment with the County.

10.3 Awards

Service Awards

Service awards shall be made according to the following schedule: 5, 10, 15, 20, 25, 30, 35, 40, ~~and 45~~ ~~and 50 years.~~

10.4 Administration

Presentation of Awards

Awards shall be presented at such time and date established by the County Administrator.

Computation of Length of Services

Time in service shall be computed annually based on the employee's ~~anniversary hire~~ date and shall take into account continuous ~~months-time~~ of service as defined in ~~paragraph~~ 10.2.

10.5 Employee of the Month Award

The Board of Supervisors, upon recommendation by the ~~Personnel-Human Resources~~ Committee, ~~will~~may select and present this award to one employee each month. Candidates may be nominated by any other County employee. Nomination forms should be submitted to the ~~Personnel-HR~~ Department by the 1st of the month in order to be considered for the award for the following month. Employees may be nominated more than one time during the award year, but are only eligible to receive the award one time per year. Department Heads and Constitutional Officers are not eligible to receive this award.

The employee will be selected on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County. Civic activities may be considered. Recipients of this award will receive a certificate, an extra paid annual leave day or a ~~\$100-200~~ cash award and the recipient's name will be added to the Employee of the Month plaque located in the County Administration Building. Recipients over the past twelve month award period will be recognized at the Annual Awards Banquet.

10.6 Employee of the Year Award

The Board of Supervisors, upon recommendation by the ~~Personnel-HR~~ Committee, ~~will~~may select and present this award to one employee each year. Eligible candidates will be those employees who received an Employee of the Month award over the past twelve (12) month award period. **This** award will be presented to the employee whose service most serves as an example to all other employees within the County. The recipient of the award will receive an engraved plaque presented at the Annual Awards Banquet and a \$250 cash award.

Recommended Policies

VIII. Holidays and Leave Policy

8.1 Hours of Work

Generally, office hours are from 8:00am to 5:00pm. Individual work schedules are set at the Department Head's discretion based upon business requirements.

8.2 Holidays

The County shall observe all federal and state holidays and other such holidays as may be prescribed by the Board of Supervisors.

When a holiday falls on a Saturday, the preceding Friday shall be observed; when the holiday falls on a Sunday, the following Monday shall be observed. All full-time employees of the County shall be entitled to holiday benefits.

Current holidays observed by the County are: New Year's Day, Lee Jackson Day, Martin Luther King's Day, Presidents Day, Apple Blossom Festival, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

8.3 Annual Leave

All full-time employees of the County of Frederick shall be granted annual leave by the County as follows:

- a. Eight hours per month for each month employed - Ninety-six hours each year through the fifth year of employment. Maximum accumulation is 192 hours.
- b. Ten hours per month for each month employed after the fifth year of employment- 120 hours total per year. Maximum accumulation is 240 hours.
- c. Twelve hours per month for each month employed after the tenth year of employment - 144 hours total per year. Maximum accumulation is 288 hours.
- d. Fourteen hours per month for each month employed after the fifteenth year of employment - 168 hours total per year. Maximum accumulation is 336 hours.
- e. Sixteen hours per month for each month employed after the twentieth year of employment - 192 hours total per year. Maximum accumulation is 384 hours.
- f. Eighteen hours per month for each month employed after the twenty-fifth year of employment- 216 hours total per year. Maximum accumulation is 432 hours.

Employees on annual leave shall be paid their prevailing wage based on the scheduled work week. Employees while on annual leave will not be permitted to claim sick leave or funeral leave during this period of time.

Annual leave schedules shall be planned by Department Heads so as to prevent the need for a temporary increase in personnel.

Except in cases of illness or emergency, leave must be approved in advance.

Upon separation or retirement, a full-time employee shall be paid for all accrued annual leave not to exceed 192 hours - 1 to 5 years; 240 hours - 5 to 10 years; 288 hours - 10 to 15 years; and 336 hours - 15 years and over.

8.4 Sick Leave

Sick leave is granted at the rate of ten hours per month with no maximum accumulation. Sick leave shall be defined as leave granted to the employee for himself or for a “*qualifying*” family member for an illness, medically required confinement, medical/dental appointments or bodily injury sustained during non-working hours. “*Qualifying*” family member shall be defined as the employee and spouse’s: parent, grandparent, son, daughter, brother, sister, grandchild, stepchildren, stepparent, and any person residing in the same household as the employee.

A physician's written statement may be required by the immediate supervisor prior to any scheduled medical procedure of the employee and/or qualifying family member. In situations when prior notification is not feasible, a certificate from a physician shall be presented to the immediate supervisor as soon as possible after the procedure.

If the absence is such that more than three (3) consecutive working days are used for sick leave, the employee must furnish the Department Head a written statement from his/or qualifying family member’s physician.

In case of illness, the employee shall notify his immediate supervisor. An employee's abuse of this policy may result in the employee's immediate dismissal from the employment of the County.

The physician's written statement shall include:

- a. Nature of the medical condition (with due regard to personal privacy).
- b. The expected date the employee will be able to return to normal duty (as appropriate).
- c. Approximate date of anticipated release from a physician's care.

Once a Department Head determines sick leave can no longer be granted and additional leave days are required, other appropriate leave policies may be utilized (i.e. annual leave, sick leave bank, leave without pay, etc.).

Upon separation or retirement, a full-time employee shall be paid out at the rate of twenty-five percent (25%) of their accrued sick leave not to exceed \$2,500.

8.5 Family Medical Leave Act (FMLA)

Frederick County will comply with the Family and Medical Leave Act implementing Regulations as revised effective October 28, 2009. The County posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in the new employee orientation package. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Human Resources Director in writing.

A. General Provisions

Under this policy, Frederick County will grant up to 12 weeks (or up to 26 weeks of military

caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

B. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

3) The employee must work in a worksite where 50 or more employees are employed by the County within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

C. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year. Employees with questions about what illnesses are covered under this FMLA policy or under the County's sick leave policy are encouraged to consult with the Human Resource Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agrees, including agreement on timing and duration of the leave.

"Covered active duty" means:

(a) 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

(b) 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 under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member. Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term "covered service member" means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) 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 any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term "serious injury or illness":

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

D. Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above

under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

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 (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

E. Employee Status and Benefits During Leave

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

Under current County policy, the employee may pay a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Human Resources Department by the 1st day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance, disability plan or any other voluntary contribution, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of eligible benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

F. Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

G. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if the employee is eligible for six weeks of worker's

compensation leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation and sick leave (as long as the reason for the absence is covered by the County's sick leave policy) prior to being eligible for unpaid leave.

H. Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

I. Certification for the Employee's Serious Health Condition

The County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov>).

The County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

J. Certification for the Family Member's Serious Health Condition

The County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<http://www.dol.gov>).

The County may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's family member's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

K. Certification of Qualifying Exigency for Military Family Leave

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov>).

L. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov>).

M. Recertification

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

N. Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide written notice of the need for the leave to the HR Director. Within five business days after the employee has provided this notice, the HR Director will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov>).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in

advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

O. Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov>).

P. Intent to Return to Work From FMLA Leave

On a basis that does not discriminate against employees on FMLA leave; the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

8.6 Sick Leave Bank (SLB)

All full time employees are eligible for membership in the sick leave bank (SLB) during their first three (3) months of employment. The SLB shall operate as follows:

- a. The employee shall be required to initially donate 8 hours of sick leave, and thereafter, may be required to donate 8 hours annually if deemed necessary by management.
- b. The following conditions must be met in order for a member to use the SLB for themselves or for a qualifying family member ("*qualifying*" per the sick leave policy). The sick leave bank is not intended, or permitted for use for other than approved, qualifying events.
 1. A serious extended medical condition of the member or qualifying family member.
 2. Present appropriate doctor's medical certification to include expected duration of the absence.
 3. Deplete all accumulated leave prior to use of the SLB: sick, compensatory and annual.
 4. Must be approved by the Department Director, HR Director, and County Administrator.
- c. A member is allowed a maximum of 160 hours in a twelve month period for themselves, or a qualifying family member.

8.7 Workers' Compensation

The County may pay related medical expenses—at no cost to the employee—for an accident or qualifying illness that occurs as a result of work. Workers' compensation coverage is provided for full-time, part-time and temporary employees. In addition the employee may be entitled to compensation to help offset the loss of wages while unable to work. Employees do not share in the cost of workers' compensation; the County pays the entire cost.

Any work-related injury or illness must be immediately reported in to the employee's supervisor. The Report of Accident or Injury and the Panel of Physicians must be completed by the supervisor and employee and forwarded to Risk Management within two days of the accident. These forms are to be completed even if the employee does not receive medical treatment (record only). The County's Workers' Compensation carrier will investigate and review all claims submitted for eligibility and compensability.

State law allows the County to designate physicians that the employees must choose from for an examination verifying the extent of the injury or illness. If an employee chooses to be treated by a physician other than one on the County's panel of physicians, the employee may be responsible for medical expenses related to that treatment.

During the first seven calendar days that an employee is absent from work because of job-related illness or injury, the employee must use accrued sick leave or flex leave hours to receive full pay. After the first seven days, employees receive a percentage of their salary as set by state law. In order for the employee to receive full salary, the remaining percentage will be covered by use of the employee's paid leave, to include sick and /or annual leave. Should the employee not have enough paid leave to cover the difference between the wage replacement benefit and full salary amount, leave without pay will be used. Additionally, further paid leave benefits will not continue to accrue while the employee is out on workers' compensation. If the employee is absent more than 21 calendar days because of an approved job-related illness or injury, the County will reinstate the leave that was used.

When an employee receives wage replacement benefit payments from the workers' compensation carrier, the County is notified of the employee's payment. This benefit payment amount is then deducted from upcoming paychecks for the employee. These reductions to the paychecks continue until all benefit payments are recovered.

Questions regarding workers' compensation may be directed to Risk Management.

8.8 Funeral Leave

The purpose of this policy is to provide an employee with leave in the event of the death of an *"immediate"* family member.

Funeral leave shall be defined as leave with pay granted to regular full-time employees only upon the death of a member of the *immediate* family. *"Immediate"* family member shall be defined as: the employee and spouse's: parent, grandparent, son, daughter, brother, sister, grandchild, stepchildren, stepparent, guardian and any persons residing in the same household as the employee.

Funeral leave shall be granted by the Department Head if requested by the employee for a period of up to, and not to exceed, three (3) consecutive working days. This leave shall commence upon notification and approval by the Department Head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and the funeral leave shall be granted accordingly.

Employees while on annual or sick leave will not be permitted to claim funeral leave, during this period of time.

8.9 Court Leave

Leave in which an employee's absence from work is for jury duty or for attending court in a non-official capacity as a witness shall be defined as "court leave."

Any person who is summoned to serve on jury duty or any person, except a defendant in a criminal case, who is summoned or subpoenaed to appear in a court of law when a case is to be heard shall neither be discharged from employment, nor have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his employer of such court appearance or summons.

An employee having been granted court leave shall be compensated at the regular rate of pay during these court appearances. Any compensation for jury duty as well as for witness service may also be retained by the employee.

Employees summoned by a court for the purpose of qualifying for jury duty are entitled to court leave for the actual period of absence, whether or not they are selected to serve. If the employee's presence is required for less than a full work day, the employee is required to return to work. Any

employee who fails to return to work shall be subject to the loss of pay for that day.

8.10 Military Leave

Leave in which an employee's absence is required to fulfill military training/active duty obligations for the Armed Forces of the United States, Reserve Forces, National Guard or Naval Militia or any of the branches of the U.S. Armed Forces shall be defined as "military leave."

Employees are entitled to fifteen (15) work days of leave per federal fiscal year of October 1 through September 30 from his duties without loss of accumulated leave or regular salary. Once the 15-day entitlement has been exhausted during the federal fiscal year, the employee must then begin to use accumulated leave, and leave without pay (LWOP) if necessary, for continued military leave.

The Department Head must present to the HR Department a copy of the employee's orders prior to the effective date of the utilization of military leave.

8.11 Leave Without Pay (LWOP)

An employee who has exhausted his accrued leave may request to be placed on leave without pay for a specified period when approved by the County Administrator. Employees on approved leave without pay shall be permitted to continue their hospitalization, dental and life insurance coverage under the County's group policy at the employee's expense.

a. Educational Leave

A full time employee may be given a leave of absence for a maximum period of one year to take training in educational institutions which would benefit him in the performance of his County duties. Full or partial pay may also be granted for a limited period of educational leave when provided for in the current approved operating budget. Educational leave must be approved by the Board of Supervisors.

b. Unauthorized Absence

An employee must notify his immediate supervisor within two (2) hours of the beginning of scheduled commencement of duties if he is going to be absent. An employee who is absent from duty without approval of his supervisor shall receive no pay for the duration of the absence, and all employees absent without authorization shall be subject to disciplinary action. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given to each case.

c. Absences for Less Than a Full Work Day

Exempt employees absent for less than a full work day shall not have their pay reduced on account of such absence, but they may be required to use any leave available for such absence.

d. Absenteeism

All employees of Frederick County have important jobs. Because of this, if an employee is unable to report for duty he must notify the supervisor in charge prior to the beginning of the shift if physically possible. Recurrent absenteeism and tardiness interferes with the functioning of the County, and upon continuance, will result in disciplinary action.

IX. TRAINING POLICY

With prior approval of the County Administrator, in such forms as may be prescribed by him, employees shall be reimbursed for all reasonable expenses incurred in participation in short courses, seminars, conferences, meetings, etc., coincident with the employee's routine responsibilities with the County.

With prior approval of the County Administrator, employees may be reimbursed for the cost of tuition and books for actual undergraduate class attendance or correspondence courses, satisfactorily completed with achievement of a Grade "C" or better which are directly related and which will enhance the employee's ability to perform the job for which he was hired. Employees who have successfully completed an undergraduate degree may be reimbursed for the cost of tuition and books for satisfactorily completing a graduate degree program in a job-related field with a grade "B" or better. Employees achieving less than the required grade will not be eligible for reimbursement.

Eligibility for Reimbursement:

- a. A grade of "B" or better for graduate programs or a grade of "C" or better for undergraduate classes must be achieved.
- b. When the program or class is successfully completed the employee shall agree to remain employed with the County for a period of not less than 1 year for each 18 hours taken in the graduate program or from the end date of the last satisfactorily completed undergraduate class.
- c. Should the employee not complete the graduate program he/she shall be required to reimburse all funds paid by the County toward the program.
- d. Should the employee successfully complete the program or class but leave the employ of the County prior to completing his period of service as set forth above, the prorated amount of funding for service not rendered shall be repaid to the County.

With the approval of the County Administrator, the employee may be advanced the costs of tuition and books for approved courses, based upon written documentation by the Department Head and the employee that a financial hardship exists. Documentation shall include a written request for prepaid assistance by the employee and written approval by the Department Head. Costs to be incurred shall be set forth in full. The County Administrator shall review the request, and upon approval, shall require execution of a contract between the employee and the County whereby the employee will agree to reimburse the County, either through payroll deduction or surrender of sufficient accrued annual leave, the total cost of the prepaid assistance should the class not be completed with the required grade or better. In either case, the funds shall be reimbursed within ninety (90) days of the completion of the course.

The County Administrator shall be responsible for the organization, conduct and execution of any other training program which might be of value to County employees (in-service training).

X. SERVICE AWARDS POLICY

10.1 Purpose

The purpose of the Service Awards Program is:

- a. to commend faithful and proficient service performed by County employees
- b. to emphasize that each individual plays a key role in the County's progress
- c. to recognize that an employee's contribution grows with each additional year of service, and his performance of job duties
- d. to encourage career employment with the County

10.2 Basis for Awards

Determination of Awards

Service Awards will be based on continuous and proficient service (as defined below) by eligible, full-time employees.

Continuous and Proficient Service

Any break in service for a period of 160 consecutive working hours shall destroy the continuity of service. However, authorized leaves of absence such as annual leave, military leave approved sick leave, approved education leave and other approved leaves of absence shall not destroy continuity of service and credit for the time will be granted. The employee shall be required to exhibit a proficient performance rating to be eligible for such award.

Dismissal

No credit shall be given for employment with the County terminated by a dismissal. Any employee who is dismissed and is later re-employed with the County shall not receive credit for previous employment with the County.

10.3 Awards

Service Awards

Service awards shall be made according to the following schedule: 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50 years.

10.4 Administration

Presentation of Awards

Awards shall be presented at such time and date established by the County Administrator.

Computation of Length of Services

Time in service shall be computed annually based on the employee's hire date and shall take into account continuous time of service as defined in paragraph 10.2.

10.5 Employee of the Month Award

The Board of Supervisors, upon recommendation by the Human Resources Committee, may select and present this award to one employee each month. Candidates may be nominated by any other County employee. Nomination forms should be submitted to the HR Department by the 1st of the month in order to be considered for the award for the following month. Employees may be nominated more than one time during the award year, but are only eligible to receive the award one time per year. Department Heads and Constitutional Officers are not eligible to receive this award.

The employee will be selected on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County. Civic activities may be considered. Recipients of this award will receive a certificate, an extra paid annual leave day or a \$200 cash award and the recipient's name will be added to the Employee of the Month plaque located in the County Administration Building. Recipients over the past twelve month award period will be recognized at the Annual Awards Banquet.

10.6 Employee of the Year Award

The Board of Supervisors, upon recommendation by the HR Committee, may select and present this award to one employee each year. Eligible candidates will be those employees who received an Employee of the Month award over the past twelve (12) month award period. This award will be presented to the employee whose service most serves as an example to all other employees within the County. The recipient of the award will receive an engraved plaque presented at the Annual Awards Banquet and a \$250 cash award.



County of Frederick Employee of the Month Nomination Form

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the county as a whole. Outstanding service includes job performance that clearly exceeds requirements.

The Board of Supervisors must discount generalities not supported by specific examples of activities which support the nomination. Remember, there is no way to know whether specifics are missing by accident or because they do not exist. If you believe an employee has made an outstanding contribution, give specific examples of what they have done.

Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : Barbara Miller

Department: NRADC/DCS

Nomination Submitted By: S. Kimberly Chmura

Department: NRADC/DCS

Nominator's Signature: *S. Chmura*

Date: 03/13/2012

Reason for Nomination (please be specific, precise, and definite):

RJW
03/19/12

Ms. Miller performs her basic duties as instructed. Additionally she is very conscientious about her paperwork, in reviewing her case files, no errors are found. Documentation is excellent. While dealing with her clients, she utilizes Evidence Based Practices with Effective Communications and Motivational Strategies.

Overall, she does her job well. Moreover, over the course of the last month, she had demonstrated commitment to this agency and other Local Probation Agencies with the following contributions:

1. Updated the intake package that Local Probation utilizes for new referrals which is more professional in appearance and reflects changes that were necessary.
2. Provided training to the Records Clerk for reinstating closed files. Our data software is PTCC, she is the most knowledgeable staff member with this software.
3. Assisted the current staff members who were attending EBP-ECMI training by providing documents which have been utilized in the past, thus preparing them for this skill-based training.
4. Assisted other agencies who are implementing EBP learning teams by sharing exercises she developed as a Subject Matter Specialist in conjunction with State Probation District 11.
5. She has assisted another Probation Officer by seeing her clients when the PO has been called to Court unexpectedly on two separate occasions. This demonstrates the team atmosphere that we as department are striving for.
6. In December, ASAP Director Daniel Ellis observed her with clients in the Luray office and over heard a probationer state that she appreciated Ms. Miller's assistance while on probation and that she plans to continue moving her life in a positive direction. Often times, supervisors do not hear the thanks that our staff receive from their probationers.

HR Section: Received: April 2012 Emailed to HR Committee: July 2012