**ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE**

**Section 1. Policy**

The policy of the Town is to provide vacation, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, compensatory time, etc.

**Section 2. Holidays**

The Town will follow the holiday schedule as published by the State of North Carolina for state employees. In order to receive a paid holiday, an employee must be on paid status before and after the holiday.

**Section 3. Holidays: Effect on Other Types of Leave**

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

**Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel**

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Departments with employees working a shift schedule may elect to compensate those employees for working on the true holiday rather than the designated holiday. Holiday pay will be calculated according to the formula in Section 16 of this article. This means employees working a 40 hour week are compensated for an 8 hour holiday; employees working a 42 hour week are compensated with a 8.4 hour holiday.

**Section 5. Vacation Leave**

Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Employees whose duties require them to collect money from customers are required to take five (5) consecutive days of vacation each calendar year.

**Section 6. Vacation Leave: Use by Probationary Employees**

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of the probationary period. Employees shall be allowed to take accumulated vacation leave after six months of service.

**Section 7. Vacation Leave: Accrual Rate**

Each full and part-time employee of the Town shall earn vacation at the following schedule, prorated by the average number of hours scheduled in the workweek:

**Years of Service Days Accrued Per Year**

 0 - 4 years 10

 5 - 10 years 12

11 - 15 years 15

16 - 20 years 18

20+ years 20

Vacation should be accrued in each payroll period. Employees working greater or fewer than forty hours will have accrual rates prorated based upon the formula in Article VII, Section 16.

**Section 8. Vacation Leave: Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until December 31st of each year. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed thirty days (30). Effective with the last payroll in the calendar year, any employee with more than this maximum amount of accumulated leave shall have the excess accumulation removed so that only 30 days are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for vacation time not taken.

Employees may have the excess vacation leave (over the above maximum) converted to sick leave provided that they have taken 5 days of vacation in the calendar year.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

**Section 9. Vacation Leave: Manner of Taking**

Employees should request vacation leave two weeks in advance. Employees shall be granted the use of earned vacation leave at those times designated by the Department Head which will least obstruct normal operations of the Town. Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Each employee shall be required to take a vacation equivalent of five (5) consecutive working days per year if eligible. An exemption to this section may be granted by the Town Manager. Vacation may be taken in one-quarter hour increments.

**Section 10. Vacation Leave: Payment upon Separation** **or Retirement**

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, subject to a 30-day maximum, provided written notice is given to the supervisor at least two weeks in advance of the effective date of resignation (minimum of 30-days notice for department heads). Any employee failing to give the written notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town.

An employee retiring under the provisions of the North Carolina Local Government Retirement System may have any excess vacation (above the 30-day maximum) converted to sick leave and used for retirement service credit.

**Section 11. Vacation Leave: Payment upon Death**

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed 30 days.

**Section 12. Sick Leave**

Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, temporary disabilities, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill or needs medical care.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one third of salary, except that employee may not exceed the regular gross salary amount using this provision.

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, various combinations of step , “half” and in-law, and adopted relationships of the employee, or guardian.

**Section 13. Sick Leave: Accrual Rate, Accumulation, and Manner of Taking**

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time and part-time employees working other than the basic work schedule shall be pro-rated as described in this Article.

Notification of the desire to take sick leave shall be submitted to the employee's supervisor prior to the leave or not later than two hours after the beginning of a scheduled work day. An employee who works in shifts must notify his/her supervisor of the desire to take sick leave prior to leave or not later than two hours prior to the beginning of the shift. Failure to so notify the appropriate supervisor may result in disciplinary action.

The minimum amount of sick leave that may be taken is one hour, and leave must be taken in increments of one half hour.

Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force.

**Section 14. Transfer of Sick Leave from Previous Employer**

The Town will accept the transfer of sick leave for employees from other employers who are participants of the North Carolina Local Government or State Employees Retirement System. The sick leave will be treated as though it were earned with the Town of Elizabethtown. The sick leave amount must be certified by the previous employer. This sick leave may be taken after the employee successfully completes the initial hire probationary period.

**Section 15. Sick Leave: Medical Certification**

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or employee’s family member’s illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

1) Employees shall not be on duty when they might endanger their health or the health of other employees; and

2) There will be no abuse of leave privileges.

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

**Section 16. Leave Pro-rated**

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

1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).

2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.

3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, divided by 26 shall be the number of hours of leave earned per bi-weekly payroll period.

This means, for example, that law enforcement officers scheduled for an annual average 42 hour week earn 8.4 hours for each day of sick, vacation, or holiday leave they earn.

**Section 17. Family and Medical Leave**

The Town will grant up to 12 weeks of family and medical leave per twelve (12) months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the Town 's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12 week period may be approved in accordance with the Town 's Leave without Pay policy.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve month period immediately before the date when the FMLA time begins.

Family and medical leave can be used for the following reasons:

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;
3. To care for a spouse, child, or parent with a serious health condition; or
4. The serious health condition of the employee.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity or more than three days would be considered a serious health condition.

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

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

The request for the use of leave must be made in writing by the employee and approved by the department head or Town Manager.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

**Section 18. Medical and Family Leave Certification**

In order to qualify for leave under this law, the Town requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Human Resources Officer.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Town 's Leave Without Pay policy.

**Section 19. Leave Without Pay**

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the Town Council. The leave shall be used for reasons of personal disability after both sick leave and vacation have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Council.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

**Section 20. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits**

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the Town 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 an employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

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

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town 's group insurance plans at his or her own expense, subject to any regulation adopted by the Town Council and the regulations of the insurance carrier.

**Section 21. Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the Town 's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the Town and have leave hours re-instated for all time covered by paid leave. In such cases*,* the Town will pay the employee for any unpaid time that is owed the employee.

1. All injuries arising out of, and during, the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or department head shall file an injury report to the Human Resources Officer within twenty-four (24) hours of the time of the accident. The employee must use sick leave or annual leave for the first seven (7) days of disability. These days will be reimbursed only if the disability continued for more than twenty-one (21) days.
2. Before returning to work, a statement from the attending physician should be submitted to the Human Resources Officer giving permission for the employee to resume regular duties.
3. Upon return to work, the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation. While receiving workers' compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

This provision also applies to reactions to small pox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers’ compensation claim in regards to leave and salary continuation.

**Section 22. Military Leave**

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year for military leave with pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond this ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

If the compensation received while on military leave is less than the salary that would have been earned during this same period as a town employee, the employee shall, for a maximum period of three months, receive partial compensation equal to the difference in base salary earned as a reservist or guardsman and the salary that would have been earned during this same period as a town employee. The effect will be to maintain the employee's salary at the normal level during this period.

**Section 23. Reinstatement Following Military Service**

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

1. Applies for reinstatement within ninety days after the release from military service;and
2. Is able to perform the duties of the former position or similar position; or
3. Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the Town . In this case, the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

**Section 24. Civil Leave**

A Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

**Section 25. Parental School Leave**

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of paid leave (vacation or accrued compensatory leave) annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

1) The leave must be taken at a time mutually agreed upon by the employee and the Town;

2) The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and

3) The Town may require written verification from the child’s school that the employee was involved at the school during the leave time.

**Section 26. Bereavement Leave**

Full or part-time employees are eligible for Bereavement Leave which may be used for death in the employee's immediate family as defined in Section 12 of this article, but may not exceed three days for any one occurrence. Additional leave time required for such occurrence may be charged to vacation or other approved leave such as compensatory time when approved by the department head and/or Town Manager. Bereavement Leave for those not covered by the immediate family definition may be charged to vacation or compensatory time.

**Section 27. Educational Leave**

The Town Manager may grant educational leave to an employee. Educational leave may be granted with or without pay to an employee and is limited to one course at a time (per semester, quarter, etc.).