



ADMINISTRATIVE REGULATION

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Administrative Regulation: 1-25

Revision Date: August 12, 2024

Supersedes: November 1, 2023

Approved By: William H. Ashton II

Subject: Leave

Objective

The objective of this administrative regulation is to clarify the Town of Herndon's leave policies. The sections governing specific leave types are as follows:

- I. Annual Leave
- II. Compensatory Time
- III. Sick Leave
- IV. Personal/Floating Leave
- V. Restricted Leave
- VI. Family and Medical Leave
- VII. Parental Leave
- VIII. Sick Leave Bank
- IX. Liberal Leave
- X. Administrative Leave
- XI. Bereavement Leave
- XII. Holiday Leave Pay and Holiday Worked Pay
- XIII. Civil Leave
- XIV. Military Leave
- XV. Leave without Pay
- XVI. Injury Leave (see administrative regulation 1-22, Worker's Compensation Program)

General Policy

- A. Department heads are responsible for ensuring that this policy is properly administered by their supervisors. Authority to approve leave should be delegated to the lowest practical level.
 - B. Supervisors at each level of authority are responsible for the control of absence from duty of their employees. This responsibility includes ensuring that all employees under their immediate supervision are present or accounted for during the entire tour of duty.
 - C. Employees are responsible for managing their annual and sick leave balances. There is no requirement to carry a minimum number of leave hours; however, employees are responsible for planning for future or potential needs for leave and should therefore use
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wisely. All hours worked and leave must be charged in 15-minute increments. Leave cannot be used on a day the employee is not regularly scheduled to work.

- D. Employees shall not be paid overtime or earn compensatory time on a day that he/she worked outside of the scheduled work time when the employee has used leave during that day. Employees shall instead adjust their workday.
- E. The total number of hours worked in a day where paid or unpaid leave is used may not exceed the regularly scheduled hours for that workday. The employee shall offset the number of leave hours taken by the number of excess hours worked.
- F. Employees are encouraged and may be required to adjust their work period by offsetting the number of leave hours taken by the number of excess hours recorded, when administratively possible. Employees are not permitted to earn compensatory time or overtime pay on compensatory time used during a work period. When compensatory time is used, hours may not exceed 40 for non-sworn employees or 80 for sworn police officers. Work period adjustments are authorized changes made in an employee's regularly scheduled working hours to ensure the total time paid during the work period does not exceed 40 hours for non-sworn employees or 80 hours for sworn police officers.
- G. Time not worked is not included in the overtime calculation, except for annual leave, sick leave (on non-holiday work periods), and holiday leave pay. Whenever administratively possible this should not discourage supervisors from their fiscal responsibility to adjust the work period accordingly to minimize overtime.
- H. Employees taking leave after submission of his/her resignation are required to follow the regular leave request process. Employees may not take more than two (2) consecutive work weeks of leave to achieve a certain resignation or retirement date. Personal/floating leave cannot be used on an employee's last day of employment.

I. Annual Leave

Regular status employees hired on or after July 1, 2022, will receive a one-time grant of annual leave on their date of hire and are eligible to accrue annual leave in accordance with the annual leave accruals below. Annual leave accrues at the end of each pay period and employees are permitted to use annual leave the first day of the following pay period if the leave is approved in advance. Employees may use their accrued annual leave for vacations and for other personal purposes.

A. Approval of Annual Leave

- 1. All requests for annual leave should be submitted to the employee's supervisor at least 48 hours in advance of the requested leave and must be approved in advance by the employee's supervisor. The request for annual leave should be made as far in advance
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as possible.

2. Supervisors must consider town obligations and priorities before approving annual leave so there will be no disruption of service and operations will be adequately covered.
3. Should an event occur that makes it impossible to receive prior approval of annual leave, an employee must contact his/her supervisor no later than one hour after commencement of the employee's normal workday to request annual leave and receive approval of the leave, if it is approved.

B. Accrual of Annual Leave

1. Annual leave for regular status full-time employees accrues as follows:
 - a. On the date of hire, one-time grant of 40 hours of annual leave.
 - b. With less than five years of service, an employee accrues four hours of leave per pay period.
 - c. After five years of service, but with less than ten years of service, an employee accrues six hours of leave per pay period.
 - d. With ten or more years of service, an employee accrues eight hours of leave per pay period.
2. The town manager and town attorney, chief of police and directors of community development, economic development, finance, golf, human resources, information technology, parks and recreation, and public works accrue an additional 2.47 hours of annual leave per pay period.
3. Annual leave for regular status part-time employees accrues as follows:
 - a. On the date of hire, one-time grant of annual leave in accordance with the table below.

<i>Hours regularly scheduled to work per week</i>	<i>Number of hours granted on date of hire</i>	<i>Number of hours earned per pay period based on years of service</i>		
		<i><5 years of service</i>	<i><10 years of service</i>	<i>10+ years of service</i>
Part-time 25-29 hours/week	25 hours	2.5 hours	3.75 hours	5 hours
Part-time 30-34 hours/week	30 hours	3 hours	4.5 hours	6 hours

4. Annual leave continues to accrue while an employee is on approved leave, except when an employee is on leave without pay, injury leave, or disability leave for a full pay period.

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C. Carryover of Annual Leave

A maximum of 300 hours of accumulated annual leave may be carried into the next calendar year. The Chief of Police and the directors of community development, economic development, finance, golf, human resources, information technology, parks and recreation, and public works may carry a maximum of 320 hours into the next calendar year. The Town Manager and Town Attorney's annual leave accrual will be managed by respective employment contracts. Excess annual leave over the maximum will be deducted from an employee's leave balance at the end of the first pay period in the calendar year.

D. Pay-out of Annual Leave Upon Termination of Employment

Upon termination of employment, employees who have completed their initial probationary period are entitled to payment of the net balance of unused annual leave, up to 300 hours, for the pay period in which they terminate.

Former employees rehired within one year of their separation date will retain their time in service for annual leave accrual purposes.

II. **Compensatory Time Off**

Compensatory time off is not a leave benefit but is compensation for overtime worked. Therefore, compensatory time earned should be used before accrued annual leave. Supervisors can require an employee to take compensatory time off to manage limits. Employees are not permitted to earn compensatory time or overtime pay on compensatory time used during a work period. An employee who has earned compensatory time off and requests use of the time, must be permitted to use the time off within a reasonable period after making the request as long as it does not unduly disrupt the operations of the department.

In compliance with the Virginia Wage Payment Act:

1. Non-exempt non-sworn employees (as defined in the town's adopted pay classification plan): Are not eligible to earn compensatory time. All hours worked over 40 in the work period will be paid at 1 ½ times the employees' regular hourly rate.
 2. Non-exempt sworn employees (as defined in the town's adopted pay classification plan): Law enforcement officers will have the option to choose overtime pay or compensatory time for hours worked over 80 in the work period.
 3. Exempt employees (both non-sworn and sworn as defined in the town's adopted pay classification plan): Will earn compensatory time on an hour-for-hour basis for authorized time worked for hours over 40 or 80 in their respective work period.
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Upon termination of employment, eligible employees are entitled to payment of the net balance of unused compensatory leave, up to 120 hours, for the pay period in which they terminate. No such payment will be made to exempt employees.

A. Approval of Compensatory Time Off

1. All requests for compensatory time off should be submitted to the employee's supervisor at least 48 hours in advance of the requested leave and must be approved in advance by the employee's supervisor. The request for compensatory time off should be made as far in advance as possible.
2. Supervisors must consider town obligations and priorities before approving compensatory time off so there will be no disruption of service and operations will be adequately covered.
3. Should an event occur that makes it impossible to receive prior approval of compensatory time off an employee must contact his/her supervisor no later than one hour after commencement of the employee's normal workday to request compensatory time off and receive approval of the leave, if it is approved.

B. Carryover of Compensatory Time Off

Compensatory time balances for eligible employees shall not exceed 120 hours. Non-exempt sworn employees who have reached the maximum balance of 120 hours may not earn additional compensatory time and shall be paid overtime compensation in their regular paycheck for overtime hours. Eligible employees may choose between overtime payment and compensatory time via their timesheet.

For exempt employees, once the compensatory time threshold is met, any additional time will be unpaid. The maximum balance of department head compensatory time is 40.

III. Sick Leave

A. Use of Sick Leave

The town grants sick leave to regular status employees when illness or a non-work related injury prevents the employee's attendance on duty or when continuing to work might jeopardize the health of others. Sick leave is only to be used when warranted. Employees may use their accrued sick leave to take time off from work for the following reasons:

1. Personal illness or injury.
 2. Serious illness of the immediate family where the employee's attendance is required.
 3. Doctor, dental or other health care appointments for the employee or immediate family members. Employees should request and receive prior approval for this use.
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4. Medical quarantine.

Immediate family means the employee’s spouse, natural or adopted children and parents. Additionally, legal dependents residing in the employee’s household are also considered immediate family for the purpose of determining the use of sick leave.

B. Notification and Verification of Sick Leave

1. Employees who become ill unexpectedly while off the job are required to notify the supervisor of illness no later than one hour after commencement of their normal workday. Sworn police officers and communications technicians are required to notify the supervisor in accordance with the Herndon Police Department General Orders Manual. If possible, employees should notify the supervisor far enough ahead of their regularly scheduled work period to permit rescheduling of work or location of relief personnel.
2. Supervisors have authority to grant sick leave. A certifying statement from an examining physician may be required if there is a question concerning the legitimacy of the use of sick leave. Failure to provide a verification statement, if requested, may result in loss of pay for the leave taken or disciplinary action. An employee who anticipates being disabled from work due to a medical condition must notify their supervisor as soon as possible, to assist management in planning for the employee’s absence.
3. The town reserves the right to require any employee who is ill or disabled and who proposes to work to furnish an examining physician’s certification that the employee is able to perform the essential functions of the job, or to submit to a medical examination by a physician chosen by the town at the town’s expense, or both.
4. When sick leave is approved and the employee’s sick leave balance is inadequate to cover the entire period of the approved absence, the difference must be charged in the following order: compensatory time off, annual leave, personal/floating leave, leave without pay.

C. Accrual of Sick Leave

1. Regular status full-time employees accrue sick leave at the rate of four hours per pay period.
2. Regular status part-time employees accrue sick leave as follows:

<i>Hours regularly scheduled to work per week</i>	<i>Number of hours earned per pay period</i>
Part-time 25-29 hours/week	2.5 hours
Part-time 30-34 hours/week	3 hours

3. Regular status employees are eligible to accrue sick leave. Sick leave accrues at the end of each pay period and employees are permitted to use sick leave the first day of the following pay period.
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4. Employees covered under the VRS Hybrid Retirement Plan may carry a maximum balance of 600 hours of sick leave.
5. There is no limit on the balance of sick leave that employees not covered under the VRS Hybrid Retirement Plan can accrue.
6. Sick leave continues to accrue while an employee is on approved leave, except when an employee is on leave without pay, injury leave, or disability leave for a full pay period.

D. Abuse of Sick Leave

Any employee who abuses the use of sick leave will be subject to disciplinary action. Events that may lead to disciplinary action include, but are not limited to, falsifying illness or reasons for using sick leave, unsubstantiated excessive use of sick leave, and failure to comply with the authorization requirements above. Disciplinary action may extend to loss of pay or dismissal.

E. Pay-out of Sick Leave Upon Termination of Employment

1. Upon an employee's retirement under the Virginia Retirement System, employees who have completed at least five years of current continuous service with the town, are entitled to payment of an amount in dollars equal to the lesser of 25 percent of the dollar amount of the net balance of unused sick leave for the pay period in which they retire or \$10,000. Payment will be made in the employee's final paycheck.
2. In the event of the death of an active employee who have completed at least five years of current continuous service with the town and was covered under the Virginia Retirement System, the town will pay out to the deceased employee's personal representative or estate, an amount in dollars equal to the lesser of 25 percent of the dollar amount balance of unused sick leave or \$10,000.
3. Upon termination of employment, employees who have completed at least five years of current continuous service with the town are entitled to payment of an amount in dollars equal to the lesser of 25 percent of the net balance of unused sick leave for the pay period in which they terminate or \$2,500. If eligible, payment will be made in the employee's final paycheck. No such payment will be made to employees who are dismissed.

IV. Personal/Floating Leave

Regular status employees will receive personal/floating leave at the beginning of the second pay period of each calendar year as referenced in the below table. Employees hired after November 30 of each calendar year will not be granted personal/floating leave for that calendar year. Use of personal/floating leave must be requested in advance with the same approval process as annual leave and is subject to supervisor approval. Personal/floating leave cannot be used on a day the employee is not scheduled to work. When personal/floating leave is used, hours for the work period may not exceed 40 for non-sworn employees or 80 for sworn police officers. Personal/Floating leave shall be paid at the regular hourly rate and does not contribute

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to the overtime computation. If an employee fails to use their personal/floating leave by the end of the first pay period in the calendar year, it is automatically forfeited. Personal/floating leave cannot be used on an employee's last day of employment. Any unused personal/floating leave is not paid at the time of separation.

<i>Hours regularly scheduled to work per week</i>	<i>Number of hours per calendar year</i>
Regular full-time employees	16 hours
Part-time 30-34 hours/week	12 hours
Part-time 25-29 hours/week	10 hours

V. **Restricted Leave**

A. Designation of Restricted Leave

An employee who has established a pattern of abuse of leave privileges may be placed on restricted leave status by the supervisor and the department head for a period not to exceed six months. The supervisor must notify the employee, the relevant department head, and the Director of Human Resources, in writing, of restricted leave status and the specific procedures to follow to use leave.

Restricted leave is not a disciplinary action and does not remove the employee's eligibility to use accrued leave benefits. However, the employee must follow specific procedures to use leave.

B. Procedures for Employees on Restricted Leave

To obtain approval for sick leave, the employee must contact the supervisor in accordance with section V.B.1 of this administrative regulation. Upon returning to work, the employee must present a doctor's notice certifying the illness or other physical disability. Unless such a certificate is received, the time off may be charged to leave without pay.

All requests for annual leave must be submitted in writing to the supervisor at least 48 hours in advance of the beginning of the requested leave. Failure to do so will result in time off being charged to leave without pay.

If prior approval for annual leave is not received due to an emergency, the supervisor may conditionally approve the leave. The employee is required to contact the supervisor no later than one hour into the scheduled workday. Within 24 hours of return to work the employee must submit written verification or certification of the emergency's existence.

Failure to follow the restricted leave procedure or continued abuse of leave may result in disciplinary action up to and including dismissal.

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VI. Family and Medical Leave (FML)

The town complies with all minimum requirements of the federal Family and Medical Leave Act of 1993, as amended (FMLA). If specific questions arise which are not addressed by this administrative regulation, the employee should contact the Human Resources office or refer to the federal statute itself.

A. Eligibility

Employees are eligible if they have been employed by the town for at least 12 months and have worked at least 1,250 hours during the 12 months prior to the start of the FML. Leave used during the 12 months prior to the start of FML is not included in the calculation of hours worked. Employees cannot waive, nor may employers induce employees to waive, their prospective rights under FMLA.

B. Leave Entitlement

Family and medical leave will be granted to eligible employees for up to 12 work weeks during a 12 month period for one or more of the following reasons:

1. the birth and care for a newborn child of the employee;
 2. the placement with the employee of a child for adoption or foster care;
 3. to care for an immediate family member with a serious health condition;
 4. a serious health condition that makes the employee unable to work; or
 5. qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or called to active duty status as a member of the Armed Forces, National Guard or Reserves in support of a contingency operation.
Qualifying exigencies include:
 - a. short-notice deployment military events and related activities
 - b. childcare and school activities
 - c. financial and legal arrangements
 - d. counseling
 - e. rest and recuperation
 - f. post-deployment activities or
 - g. other activities not listed above, but agreed to by the employer and employee
 6. FML will be granted to an eligible employee who is a spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness, up to a total of 26 work weeks of leave during a single 12-month period to care for the service member.
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C. Definitions

1. Serious Health Condition

An illness, injury, impairment, or physical or mental condition that involves either:

- a. inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- b. continuing treatment by a health care provider, which includes a period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes treatment two or more times by or under the supervision of a health care provider or one treatment by a health care provider with a continuing regimen of treatment; or
- c. any period of incapacity related to pregnancy or to prenatal care. A visit to the health care provider is not necessary for each absence to meet this definition; or
- d. any period of incapacity or treatment for a chronic serious health condition which continues over an extended time, requires periodic visits to a health care provider and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence to meet this definition; or
- e. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision of a health care provider is required, rather than active treatment to meet this definition; or
- f. any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

2. Health Care Provider

The following qualify as health care providers under this policy if they are authorized to practice medicine or surgery by the state in which the doctor practices:

- a. A Doctor of Medicine or osteopathy.
 - b. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist).
 - c. Nurse practitioners, nurse midwives, clinical social workers, and physician assistants.
 - d. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. The town may require an employee or family member receiving treatment from this practitioner to submit to an examination (though
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not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner.

- e. Any health care provider recognized by the town's group health plans or,
- f. A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.

3. Immediate Family Member

- a. Parent – biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include “parents-in-law.”
- b. Son or daughter – Means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult “son or daughter” under the FMLA.
- c. Spouse – A husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state.

4. Key Employee

A position within the 10 percent highest paid of all the town's employees. A “key employee” is a salaried FML eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

D. Policy

FML may be granted for a period of up to 12 work weeks within a 12 month period or in the case of a military caregiver, up to 26 weeks of leave in a single 12 month period. A work week is defined as the hours an employee is regularly scheduled to work in a seven consecutive day period. FML consists of any combination of sick leave, compensatory time off, personal/floating leave, annual leave, disability leave, or leave without pay. Sick leave used for the purpose of family or medical leave must conform to the requirements contained in this administrative regulation.

The town may require an employee on FML leave to report periodically on the employee's status and intent to return to work.

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E. Calculation of Leave

The town will calculate this period as a “rolling” 12-month period measured backward from the date an employee first uses FML. Each time an employee uses FML, the town will compute the amount of leave taken in the preceding 12-month period and subtract it from the 12 weeks of total FML with the balance representing the amount of FML still available to be taken. This computation limits the employee to a total of 12 weeks of FML, both paid and unpaid, in any 12-month period.

Family and medical leave may be taken “intermittently or on a reduced leave schedule” under certain circumstances. If the leave is taken due to a personal serious health condition, or one affecting an employee’s immediate family, leave may be taken intermittently or on a reduced leave schedule when medically necessary. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A reduced leave schedule is a leave schedule that reduces an employee’s usual number of working hours per work period, or hours per workday.

Employees taking FML on an intermittent basis must notify their supervisors no later than one hour after the commencement of their normal workday of the need for FML. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the town’s operations. An employee is not entitled to take intermittent leave for the birth and care of a newborn child or for the placement with the employee of a child for adoption or foster care unless the employer agrees to the arrangement.

Eligible spouses who work for the same employer are limited to a combined total of 12 workweeks of leave in a 12-month period to share for the following FMLA-qualifying reasons:

- a. The birth of a son or daughter and bonding with the newborn child,
- b. The placement of a son or daughter with the employee for adoption or foster care, and bonding with the newly placed child, and
- c. The care of a parent with a serious health condition.

F. Procedures for Requesting FML

Requests for FML must be in writing and submitted to the employee’s supervisor or department head 30 calendar days in advance of the start of the requested FML, whenever possible, along with a copy submitted to the Director of Human Resources. When leave is foreseeable less than 30 days in advance, notice must be provided as soon as practicable. An employee’s failure to give timely notice could delay the employee’s eligibility for FML or mean approval of leave would not be granted.

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In accordance with Family Medical Leave law: The town may require a certification when an employee requests leave for:

- a. The employee's own serious health condition (An employer may also, in certain circumstances, require a fitness-for-duty certification at the conclusion of the employee's leave as a condition to returning the employee to the job);
- b. The serious health condition of the employee's parent, spouse, son or daughter, and;
- c. Military family leave.

The town will not request a certification for leave to bond with a healthy newborn child or a child placed for adoption or foster care. The town's application for family medical leave will still be required for the purposes of planning. The town may request documentation to confirm the family relationship.

An employee is not entitled to take intermittent leave for the birth and care of a newborn child or for the placement with the employee of a child for adoption or foster care unless the employer agrees to the arrangement.

Regardless of whether an employee requests FML, the town will designate leave as FML as soon as it becomes apparent the employee is out of work for a reason that meets the requirements of the law. Typically, an absence will be designated FML when the employee has been or is anticipated to be absent for five or more workdays, or their equivalent, due to a qualifying situation.

Upon receipt of an employee's request for FML or upon learning of a need for leave that appears to meet the requirements of the law, the Human Resources office will provide the employee a Notice of Eligibility and Rights and Responsibilities and the appropriate certification form to be completed.

The required certification should be returned to the Human Resources office within 15 calendar days, or the employee should provide a reasonable explanation for the delay. If the employee fails to provide complete and sufficient certification, the town may deny the request for FML and possibly the request for paid leave for the time off. Within five business days after the Human Resources office receives the required notice and certification, the employee will be informed whether the leave will be designated FML.

G. Recertification

If the initial medical certification indicates that the employee will need intermittent or reduced schedule leave for longer than six months, including cases where the serious health condition has no anticipated end, the town may request a recertification every six months.

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In general, the town may ask for the same information in a recertification as that permitted in the initial medical certification. As with the initial certification, in most circumstances, the employee has 15 calendar days after the employer's request to provide a complete and sufficient recertification. During recertification an employer may provide the health care provider with a record of the employee's absence pattern, such as an attendance record of FMLA leave use, and ask the health care provider if the serious health condition and need for leave is consistent with the absence pattern provided.

H. Maintenance of Benefits

During the FML period, employees will remain eligible for any group benefits under the same conditions as coverage would have been provided if the employee had not gone on FML. While in a paid status, the town will continue deducting premiums. If all town paid leave is exhausted and the employee is unable to return to work, the employee is responsible for paying the employee portion of any premiums.

Should an FML covered employee fail to return to work upon conclusion of the certified FML period and be in a leave without pay status for at least one pay period, the employee will be responsible for full payment of benefits, to include both the employee and employer portions.

If an employee fails to return to work for a reason other than the continuation, recurrence, or onset of the employee's serious health condition or one affecting a member of an employee's immediate family, the town will recover the employer's contribution to the health insurance premium paid during any period of unpaid leave. An employee will not be prevented from returning to work prior to the expiration of the 12-week period. If applicable, a supervisor or Human Resources may require medical documentation from the employee's doctor indicating that the employee has been medically cleared to return to work.

Employees will return to the position vacated, or, with the approval of the Town Manager, another position in the same class. Restoration may be denied for certain highly compensated employees who are key employees. Restoration may be denied for such employees if the town shows that such denial is necessary to prevent substantial and grievous economic injury to the town's operations and the town notifies the employee that it intends to deny restoration on such basis at the time the town determines that such injury would occur. Restoration may be so denied in any case in which the leave has commenced and the employee elects not to return to employment within a reasonable period of time after receiving such notice.

I. Record Keeping

During a qualifying FML period, the employee must first use accrued paid sick leave, then if the employee's sick leave balance is inadequate to cover the entire period of FML,

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the difference must be charged in the following order: compensatory time off, annual leave, personal/floating leave, leave without pay. Parental leave may also be used during FML for the employee to care for a newborn or in accordance with Section VII. Parental Leave.

VII. Parental Leave

The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child.

A. Eligibility

Regular status employees are eligible to use parental leave during the 12-week period immediately following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable.

Regular status full-time employees are eligible for up to 80 paid hours of parental leave per 12-month period. The number of hours for a part-time employee will be pro-rated in relation to the number of hours worked weekly.

Parental leave may be granted to eligible employees for one or more of the following reasons:

1. the birth and care for a newborn child of the employee; or
2. the placement with the employee of a child for adoption or foster care.

A multiple birth, adoption or placement does not increase the total number of hours granted.

The adoption of a new spouse's child is excluded from this policy.

In no case will an employee receive more than 80 hours (prorated for part time employees) of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.

B. Procedures for Requesting Parental Leave

Requests for Parental Leave must be submitted with the Parental Leave Request Form to the employee's supervisor or department head 30 calendar days in advance of the start of the requested Parental Leave, whenever possible, along with a copy submitted to the Director of Human Resources for approval. When leave is foreseeable less than 30 days in advance, notice must be provided as soon as practicable. An employee's failure to give timely notice could delay the employee's eligibility for Parental Leave or mean approval



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of leave would not be granted.

C. Use/Pay of Parental Leave

Parental leave shall be paid at the regular hourly rate and does not contribute to the overtime computation. Parental leave cannot be used on a day the employee is not scheduled to work.

Approved paid parental leave may be taken at any time during the 12-week period immediately following the birth, adoption, or placement of a child with the employee. Paid parental leave may not be used or extended beyond this time frame. Any unused paid parental leave will be forfeited at the end of the time frame.

In the event the employee is eligible for short-term disability leave benefit; the 80 hours of paid parental leave may be used for time preceding and at the conclusion of any short-term disability leave benefit provided to the employee.

If the employee is not eligible for short-term disability leave, the 80 hours of paid parental leave will be used prior to the employee using their own accrued leave.

Employees that have submitted their resignation are not eligible for paid parental leave. Paid parental leave cannot be used on an employee's last day of employment.

Upon termination of employment, leave payouts will not include unused parental leave.

D. Coordination with Other Policies and Benefits

Paid parental leave taken under this policy will run concurrently with leave under the FMLA; when applicable, thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, will be counted toward the 12 weeks of available FMLA leave in a 12-month period. In no case will the total amount of parental leave granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Section for further guidance on FMLA.

After the paid parental leave is exhausted, the balance of the employee's outage will be compensated through the employees' accrued sick leave, then if the employee's sick leave balance is inadequate to cover the entire outage, the difference must be charged in the following order: compensatory time off, annual leave, personal/floating leave, leave without pay.

During the paid parental leave period, the town will provide coverage for applicable benefits which the employee selected prior to going on leave at the level and under the same condition's coverage would have been provided if the employee had not gone on

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leave. The employee will be responsible for continuing to pay the same monthly premium as other active employees.

If the employee is on paid parental leave during administrative leave, that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.

VIII. Sick Leave Bank

The sick leave bank may provide paid sick leave to members of the bank who are unable to perform the duties of their position due to a major personal illness or injury. The sick leave bank is not intended for intermittent leave or for short-term leave due to routine or non-major illness or injury. In the event an employee has a qualifying illness or injury, the sick leave bank may provide paid leave until short-term disability goes into effect. Leave granted may be used after the member has a sick leave and compensatory leave balance of zero.

A. Eligibility

Membership in the bank is voluntary and open to regular status personnel who are not members of the VRS Hybrid Retirement Plan.

B. Definitions

1. Sick Leave - Earned, paid leave granted to an eligible employee for periods of absence because of illness, injury, pregnancy, miscarriage, childbirth, medical quarantine, medical, dental, or other health care examinations and treatment.
2. Major Illness or Injury - A non-job related personal illness, injury, or disability requiring absence from work for a period in excess of 30 consecutive calendar days and that necessitates continued care of a health care professional. For the purpose of applying for sick leave bank benefits, absences due to illnesses, injury, or disability of family members are not covered.
3. Sick Leave Contribution - The transfer of accrued sick leave from the leave balance of the employee to the sick leave bank.
4. Contract Year - July 1 to June 30 of each year.
5. Qualification Period - An employee must have completed six months of employment before qualifying for benefits from the sick leave bank.

C. Administration of Sick Leave Bank

The sick leave bank will be administered by the Director of Human Resources. The Director of Human Resources will verify an applicant's eligibility to receive benefits from the sick leave bank and will review the information provided by the employee's attending physician.

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Once the Director of Human Resources has determined the medical leave satisfies the criteria for sick leave bank requirements, the application will be forwarded to the Town Manager for review and approval. The Town Manager will consider the employee's previous leave usage when determining whether or not to approve the leave and in determining the number of hours authorized from the sick leave bank.

D. Sick Leave Bank Benefits

1. The sick leave bank benefit is to be used only when an enrolled employee is unable to return to work for a period in excess of 30 consecutive calendar days due to a major personal illness, disability, or injury. The employee or a member of the employee's family, if the employee is incapacitated, must make application for this benefit. It is not automatic.
2. For regular status full-time employees, a maximum of 160 hours may be charged against the sick leave bank in a 12-month period. For regular status, part-time employees the maximum number of hours to be charged will be prorated according to the ratio that the number of hours worked has to a full-time 40-hour work week.
3. A member who requests leave from the sick leave bank must submit a completed Sick Leave Bank Application and a statement from the member's attending physician or health care provider which includes a description of the nature of the illness or injury, date of initial onset and anticipated date eligible to return to work in regular status. Submission of an application for short-term disability or FML satisfies this requirement.
4. Employees using sick leave from the bank do not have to replace the time taken.
5. All medical and leave information relating to an employee seeking benefits will be treated as confidential medical information.
6. Employees receiving leave from the sick leave bank will be issued the necessary sick leave bank hours at the end of a payroll period as needed, up to the maximum number of hours granted, and will not receive sick leave bank hours in a lump sum.

F. Enrollment Procedure

1. To be a member of the sick leave bank, an eligible employee must complete the sick leave bank enrollment form and forward it to the Department of Human Resources. By enrolling, the employee agrees to contribute eight hours of accumulated sick leave to the sick leave bank. The contribution of a part-time employee will be pro-rated in relation to the number of hours worked weekly, i.e., twenty hours per week would equate to a contribution of four hours. An employee who transfers sick leave relinquishes all rights to that leave. The employee may be reassessed every July for eight hours (pro-rated for part-time employees) if the balance in the sick leave bank falls below 500 hours. No employee may receive benefits under this program unless enrolled in the program.
 2. Eligible new employees must enroll within the first 30 calendar days of employment. An employee who does not enroll within the first 30 calendar days of employment may
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do so during any subsequent open enrollment season, normally during the month of May of each year, for an effective date of July 1.

3. The excess of use or lose annual leave for eligible employees will automatically be transferred to the sick leave bank the beginning of every calendar year. The transfer of such leave automatically enrolls the employee as a member of the sick leave bank.

G. Termination

Upon termination of employment, leave payouts will not include hours donated to or received from the Sick Leave Bank Program.

IX. Liberal Leave

Liberal leave may be designated by the Town Manager only. It authorizes all employees except those designated as emergency service personnel to use their own leave to cover a period of missed work without obtaining prior approval from their supervisor. Employees taking leave must notify their supervisor in accordance with departmental policy. Employees may use compensatory time off, annual leave, or personal/floating leave during the time liberal leave is in effect. If the employee does not have sufficient compensatory time off annual leave, or personal/floating leave the employee may use leave without pay for the balance.

The Town Manager determines the period of liberal leave. Unless otherwise notified, if declared prior to beginning of normal business hours, liberal leave extends from 6:00 a.m. on the day declared until 6:00 a.m. the following day. If declared later in the day, it is in effect until 6:00 a.m. the following day.

A. Notice of Liberal Leave

Departments will be notified by the Town Manager or designee when liberal leave is declared during normal working hours. At other times, including weekends, announcements will be made on the employee weather line (703) 481-1185 and on the town's Website.

B. Effect on Emergency Service Personnel

During liberal leave, emergency service personnel are required to report for work or to secure prior approval from their supervisors before absenting themselves from work.

C. Time and Attendance Reporting

1. The payroll report is coded for compensatory time off, annual leave, personal/floating leave or leave without pay as appropriate.
 2. Sick leave may never be used during a period of liberal leave unless the employee is
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actually sick or meets the conditions described in section III, Sick Leave, of this administrative regulation.

X. Administrative Leave

Administrative leave is paid leave granted as authorized in this policy to eligible employees. Administrative leave shall be paid at the regular hourly rate and does not contribute to the overtime computation.

A. Administrative Leave – Non-emergency

1. The Chief of Police may grant administrative leave to police personnel involved in matters which require an employee to be temporarily relieved from duty. The Chief of Police will notify the Town Manager and the Director of Human Resources of this administrative leave.
2. The Town Manager or Director of Human Resources may grant administrative leave when they determine it is in the best interest of the town. This leave may be limited to specific shifts, times, groups of employees or an individual employee.
3. Employees granted administrative leave should code the hours of leave as administrative leave.

B. Administrative Leave – Emergency

Administrative leave for emergency purposes may be granted by the Town Manager or designee only. Such leave may be authorized when, for example, severe storms make it hazardous to get to work or require an early release from work, or when equipment breakdowns or facility closings make it impossible to work. It may be limited to specific shifts, times, or groups of employees. Administrative leave may be granted by the Town Manager on weekends and holidays as well as during the regular Monday through Friday workweek.

1. Notice of Administrative Leave - Emergency

Departments will be notified by the Town Manager or designee when administrative leave is declared during normal working hours. At other times, including weekends and holidays, announcements will be posted on the employee weather line (703) 481-1185 and on the town's Website. Announcements may also be posted on social media; however, it is an employee's responsibility to verify if the town is closed.

The Town Manager determines the period of administrative leave. Unless otherwise notified, if declared prior to beginning of normal business hours, administrative leave extends from 6:00 a.m. on the day declared until 6:00 a.m. the following day.

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2. Effect on Emergency Service Personnel

During administrative leave, emergency service personnel are required to report to work or to secure approval prior to the incident from their supervisors before absenting themselves from work. If an employee so designated cannot or does not report to work and the supervisor has been appropriately notified, leave may be granted, and the employee may be subject to disciplinary action. In such case where the supervisor has not been so notified, the employee may be subject to disciplinary action.

C. Emergency Service Personnel

Emergency Service Personnel are those employees who, due to the nature of their specific job duties or the nature of the emergency which has occurred, must report to work to ensure that public health and safety needs of critical operational requirements are met. Only those employees who meet these criteria should be designated emergency services personnel. Designated employees should expect to work during periods of administrative leave or liberal leave, as directed. Department heads are responsible for clearly designating those employees considered emergency service personnel.

1. Time and Attendance Reporting-Non emergency service personnel

- a. Employees who are not designated as emergency service personnel are not required to report to work during periods of administrative leave.
 - b. Employees already on scheduled leave or who are not scheduled to work, during the time administrative leave is declared are not eligible for administrative leave.
 - c. Non-emergency service employees must receive supervisory approval if they want to work during a period of designated administrative leave. If non-emergency employees do not receive supervisory approval to work during a designated period of administrative leave, yet work, a supervisor may at their discretion flex that employee's hours for that work period. Hours should be coded as regular time.
 - d. If the town opens offices late, employees who do not report to work are not eligible for administrative leave. Employees who do report to work late may combine personal leave and administrative leave to cover hours missed as indicated in example following:
EXAMPLE: Town opens two hours late and administrative leave is granted until 10:30 a.m. Employee reports to work at 11:30 a.m. The employee (assuming 8.00 a.m. - 5:00 p.m. schedule) would code his/her timesheet as follows:
2.5 Administrative leave pay
1.0 Compensatory, annual leave or personal/floating leave
4.5 Regular hours
 - e. If employees are released early, employees who did not report to work are not eligible for administrative leave. Employees who leave prior to the designated administrative leave period are not eligible for administrative leave and must use compensatory, annual leave or personal/floating leave for the entire absence.
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EXAMPLE: Administrative leave is granted starting at 3:30 p.m. because of snow. The announcement is made at 2:30 p.m. An employee who is scheduled to work 7:30 a.m. - 4:30 p.m. leaves at 2:30 p.m. The employee is not eligible for administrative leave and must use two hours of annual, compensatory leave or personal/floating leave for the day.

2. Time and Attendance Reporting Emergency Services Personnel:
 - a. Employees who are required to work during a period for which administrative leave has been granted are entitled to compensation. The employee's time and attendance record should be coded as administrative leave and administrative leave worked for the hours actually worked during the period of designated administrative leave. Hours worked outside the period of designated administrative leave should be coded as regular hours.
 - b. For Emergency Services Personnel required to modify their shift due to the emergency, resulting in hours worked in the work period less than the required hours, administrative leave hours will be added to affected employees, to reach required hours for the work period.
 - c. Employees already on scheduled leave or who are not scheduled to work during the time administrative leave is declared are not eligible for administrative leave.

XI. Bereavement Leave

All regular status town employees may be granted bereavement leave for a death in the immediate family. The maximum number of hours granted per occurrence is 40 for the death of the employee's spouse, natural or adopted children, loss of pregnancy and natural or adoptive parents. Twenty-four hours is the maximum to be granted for the death of the employee's brother, sister, grandparents, parents-in-law, or dependents residing in the household that qualify as a dependent for federal income tax purposes. Hours granted per occurrence will be pro-rated for regular status part-time employees. Bereavement leave used must be related to the death of a family member defined in this section and used within six months of the death.

XII. Holiday Leave Pay and Holiday Worked Pay

The following holidays may be observed by the town and granted to regular status employees with pay. An employee's first and/or last day of employment cannot be on a holiday unless the holiday is worked. Holiday leave pay shall be recorded on the day the town observes the holiday.

New Year's Day	Veterans Day
Martin Luther King Jr. Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving Day
Juneteenth	Christmas Eve (half-day)
Independence Day	Christmas Day
Labor Day	



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If an observed holiday falls on Saturday, the previous Friday will be considered as the holiday. If the holiday falls on Sunday, it will be observed on the following Monday. Regular full-time employees will be granted holiday leave pay in accordance with the number of hours regularly scheduled to work on the day the holiday is observed as a town holiday.

Regular part-time employees will be granted holiday leave pay in accordance with the table below.

<i>Hours regularly scheduled to work per week</i>	<i>Number of hours per holiday</i>
Part-time 25-29 hours/week	5 hours
Part-time 30-34 hours/week	6 hours

Leave shall not be used in addition to holiday leave pay to achieve or increase overtime pay. Leave shall be reduced to offset holiday leave pay hours, in lieu of receiving extra overtime pay resulting from the holiday. Employees on scheduled time off on a holiday cannot use leave on the holiday, except on Christmas Eve. Regular full-time employees using leave on Christmas Eve shall record leave for one half of the employee’s regular hours for that day and the same number of holiday leave pay hours shall be recorded as well. Regular part-time employees using leave on Christmas Eve shall record holiday leave pay for one half of the number of hours granted for holiday leave pay in accordance with the table above, the remainder of the hours needed to fulfill the weekly hours shall be recorded as hours worked or approved leave.

Holiday leave pay shall be paid at the regular hourly rate.

Employees working on a town observed holiday shall receive holiday leave pay at their hourly rate and holiday worked pay for the hours worked at time and a half of their hourly rate.

In addition, all employees required to work on a federal holiday observed by the town that does not coincide with the date the town observes the holiday, will receive holiday worked pay for the hours worked at time and a half their hourly rate.

If a regular full-time employee temporarily deviates from their schedule, and normally works an 8, 9, 10, 11 etc. hour day, holiday leave pay shall be recorded in accordance with their normally scheduled hours, not their temporary schedule. For example, employees adjusting hours temporarily, to work 4-10 hour days instead of 5-8 hour days, shall earn 8 hours of holiday leave pay on a town observed holiday.

Hours paid for holidays may be included in calculating overtime and in the computation of regular hours worked in a work period.

For non-essential personnel, if the day the holiday is observed by the town falls on a day when the employee is not scheduled to work, the preceding workday shall be given off instead.

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there is to be an adverse impact on service to the public or the preceding day is not a workday, a department head will determine another day off to observe the holiday, within the same work period. Whenever administratively possible, the work period should be adjusted to minimize overtime.

XIII. Civil Leave

A regular status employee will be given time off without loss of pay and without charge to any type of leave when performing jury duty; when subpoenaed to appear before a court, public body or commission in connection with town business; when performing emergency civilian duty in connection with national defense; and when serving on an electoral board at a polling place as an officer of election for any election.

XIV. Military Leave

- A. Regular status employees who leave the town's service to join the armed forces of the United States or who are drafted into the military service may be placed on military leave without pay in accordance with the Uniformed Services Employment and Reemployment Act (USERRA) of 1994. This leave will be extended in accordance with USERRA reemployment guidelines after the employee is relieved from such service. Employees will be restored to the position and benefits they vacated, or to another position of the same class, provided they make application in accordance with USERRA reemployment guidelines, and they received an honorable discharge and are physically and mentally capable of performing the work of the position. If the employee is not qualified to perform the duties of such position by reason of disability sustained during military service but is qualified to perform the duties of any other position, every effort will be made to place the employee in another position.
 - B. A regular status employee who is a member of the National Guard, Virginia Defense Force, or an organized military reserve of the United States will be allowed to attend training not to exceed 21 workdays per federal fiscal year. Such employees will be paid at their regular hourly rate for no more than 21 workdays per federal fiscal year. If the time of such training is optional, the time allocation shall be designated at the discretion of the town manager upon recommendation of the department head.
 - C. Regular status employees who are activated to federal or state federally funded duty in the case of a war or other national or state emergency declared by the president, Congress or the governor will be paid a military pay differential (MPD) which will be the difference between (i) the gross base pay the employee would have earned during the period as a town employee (gross base town pay) and (ii) the gross base military pay, provided that the gross base town pay is greater than the gross military pay actually earned. The MPD will begin on the first day of activation and will persist until the earlier of deactivation or one year after activation. Gross base military pay includes all forms of military pay and allowances in money whether taxable or non-taxable.
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The employee must provide proof of military earnings to the Department of Human Resources to obtain the MPD.

1. Employees who are absent from work to serve military duty may continue in the town's group health plan, with the town contribution paid by the town until the earlier of deactivation or one year after activation. The employee must continue to pay the employee portion of the premium. If the employee is receiving MPD and it is sufficient to cover the health insurance premium, payment may be made by deduction from the MPD. If the employee is not receiving MPD, the employee may use their compensatory time or accrued annual leave to pay their health insurance premium.
2. Employees may discontinue health insurance during the period of absence and reinstate coverage upon their return without waiting for an open enrollment period. Employees will have 30 days upon return to submit new enrollment forms to reinstate insurance coverage. Coverage will be reinstated the first of the month after the enrollment form is received. If the enrollment form is received on the first of a month, coverage may be effective that day provided the employee has returned to work.
3. Employees will continue to accrue annual and sick leave while on active duty until the earlier of deactivation or one year after activation.
4. The active duty military service can be granted under the Virginia Retirement System at no cost and counted towards vesting and a service retirement benefit upon reentry into a covered position. Employees must return to covered employment within 12 months of honorable discharge. Life insurance will continue to be provided as a benefit paid for by the town during the period of absence from work.

XV. Leave Without Pay

A. Purpose of Leave Without Pay

1. Except for conditions stated in this administrative regulation, leave without pay will be granted only after an employee's leave balances of compensatory time off, annual leave, sick leave, or personal/floating leave as appropriate, have been reduced to zero. The Town Manager has the discretion to approve exceptions to this provision.
 2. An employee may be granted leave without pay for illness, education purposes, vacation or for any other reasons deemed justified by the director of human resources or town manager, or in compliance with applicable law.
 3. The department head may grant leave without pay for a period of up to two weeks.
 4. The Town Manager has the discretion to grant leave without pay for a longer duration, if requested.
 5. Annual and sick leave will not be earned during a leave without pay period that exceeds one full pay period.
 6. If leave without pay continues for 3 months or longer, an employee's anniversary date
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will be adjusted to reflect the absence.

B. Unapproved Absences

1. An employee who has not had prior authorization to use annual leave or has not notified the supervisor of an illness or injury in accordance with this administrative regulation will be placed on leave without pay status. Upon returning to work, this absence must be explained to the employee's supervisor. Disciplinary action may be taken if such leave cannot be satisfactorily explained.
2. An employee placed on leave without pay status due to lack of proper notification to the supervisor for three consecutive workdays may be terminated. However, the employee may be reinstated if there were extenuating circumstances that made it impossible to notify the supervisor of the absence.

XVI. Injury Leave

Injury leave is covered in administrative regulation 1-22, Worker's Compensation Program. Injury leave is not included in the calculation of overtime.



William H. Ashton II
Town Manager