



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Human Resources
Subject: Leave/Holidays (Full-Time Employees)

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I. INTRODUCTION

This administrative procedure establishes policies and procedures governing leave benefits offered to full-time employees. Part-time employees may be eligible for Part-Time Leave (PTL) and civil leave as outlined in Administrative Procedure 6-11 or Family Medical Leave as outlined in Administrative Procedure 6-20.

II. DEFINITIONS

- A. **Close Family Member** – For purposes of Bereavement Leave and the Nepotism policy, close family member is defined as follows: Close family members shall include the employee's parents, spouse, children, son/daughter-in-law, brothers, sisters, brother/sister-in-law, grandparents, and grandchildren or the spouse's parents, children, son/daughter-in-law, brothers, sisters, brother/sister-in-law, grandparents and grandchildren. Close family members shall also include any other relatives of the employee that reside in the employee's household.
- B. **Paid Time Off (PTO)** – A leave plan that combines annual leave, sick leave and floating holidays into one leave category. Other leave categories are also available.
- C. **Retiree** – A full-time employee who retires directly from the county and immediately begins to collect a retirement benefit from VRS. This includes disability retirees whose retirement applications are approved retroactive to their separation date.
- D. **Traditional Leave Plan** – A leave plan that provides separate categories of leave for annual leave, sick leave and floating holidays. Other leave categories are also available.

III. CATEGORIES OF LEAVE THAT APPLY TO THE TRADITIONAL LEAVE PLAN ONLY

A. Annual Leave

Annual leave requests will be granted within the preference of the employee if the request does not conflict with the needs or objectives of the department. The decision of department management as to when leave may be taken is final. Once annual leave is being taken, an employee may not use sick leave during such annual leave period unless the employee is confined by written order of a physician. Seniority and the operational needs of the department may be considered when preparing leave schedules. Paid leave and overtime work shall not be scheduled concurrently. Annual leave requests (excluding medical/military) that are greater than 30 consecutive calendar days should only occur in rare instances and must be approved in advance by the Director of Human Resources (Director of HR). This policy also applies to employees who are resigning or retiring from County employment. Employees who are resigning or retiring from County employment may not take more than 30 consecutive calendar days of leave prior to their resignation or retirement date, unless approved in advance by the Director of HR. Employees are not permitted to return to the workplace for short periods of time (less than 30 days) in order to break up the 30 consecutive days or to start a new 30 day leave cycle. Departments with 24-hour operations may work with HR to implement internal policies that are consistent with limiting extended leave for non-medical reasons.

Annual leave allowance shall be accrued for each completed pay period of service at the following rates:

Years of Full-Time Service	Accrual Hours Per Pay Period	Accrued Hours per Year	Carryover Maximum
0 – 5 years	4	96	192 hours
5 – 10 years	5	120	240 hours
10 – 20 years	6	144	288 hours
20 + years	7	168	320 hours

Upon separation, employees are paid for accumulated annual leave up to the maximum balance stated above. Accrual rates and maximum balance will vary for public safety and other departments that maintain 24-hour operations. For a complete list of leave accrual schedules refer to Accounting Administrative Procedure 1-4, Payment of Compensation to County Personnel.

Annual leave is accrued during 24 pay periods each calendar year. Annual leave is not accrued on the third paycheck of the month, which occurs two times a year. An employee who is in leave without pay status for any portion of a pay period will not accrue leave for that pay period.

At the end of each year, all annual leave in excess of the maximum balance, which is unused by the end of the pay period which includes December 31, is forfeited. In unique circumstances, at the request of the department director, annual leave above the maximum may be carried over into the new leave year with approval by the Director of HR. Employees were limited in the amount of leave they could take in calendar year 2020 and 2021 due to increased work responsibilities related to the pandemic. Therefore, maximum carryover limits will be waived at the end of CY2021, and employees will be able to carry forward their entire Annual or PTO leave balance from CY2021 into CY2022. Employees will have to use all of their leave in excess of their maximum carryover by the end of CY2022, including any leave they accrue in CY2022, or the leave will be subject to maximum carryover rules.

It is the employee's sole responsibility to monitor their annual leave balances. Any notices received from management are a courtesy and do not relieve the employee of their responsibility to monitor their leave balance. Full-time Chesterfield County Schools' employees being hired into a full-time County Government position with a break in service of 30 days or less between the two positions will be given credit for all completed years of full-time school service, for the purpose of establishing the employee's annual leave accrual.

B. Sick Leave

Sick leave is a privilege and any abuse will result in disciplinary action. There is no limit on sick leave accrual. All full-time employees accrue sick leave at the rate of five hours for each completed pay period of service. Sick leave is accrued through 24 pay periods during the year. Sick leave is not accrued on the third paycheck of the month, which occurs two times a year. For 24-hour employees, sick leave accrual is 7.5 hours each pay period. (Employees working 24-hour workdays shall be charged two 12-hour days leave for each 24-hour workday taken.) An employee who is not in a paid status for a complete pay period does not accrue sick leave for that pay period.

Sick leave may be used only if the employee is unable to work due to 1) medical or mental health illness or injury incapacitating the employee; 2) exposure to a contagious disease such

that presence on duty would jeopardize the health of fellow workers or the public; 3) a medical, mental health, or dental appointment for examination or treatment.

An employee who is unable to work due to illness is responsible for contacting his supervisor prior to the scheduled work start time on the day of absence and will be expected to report on his status on a regular basis as established by the supervisor. Employees must provide a statement from a licensed health care provider when they use more than five consecutive days of sick leave. Once sick leave is taken, an employee may not change it to annual leave. When a substitute is required, the employee must report his absence at least two hours before the designated reporting time. Any non-exempt employee who fails to comply with this provision may be charged with leave without pay.

If an employee is unable to work due to illness, the county will place the employee on sick leave status if the employee has accrued sufficient sick leave hours. In the event sick leave hours do not cover the period of absence, additional absence will be charged to annual leave hours. Employees who are on FMLA leave may choose to go on leave without pay after exhausting all sick leave. Guidelines for FMLA leave are outlined in Administrative Procedure 6-20.

When all accrued sick and annual leave hours have been exhausted and the employee is unable to return to work because of a medical condition, the employee must obtain a physician's statement explaining the nature of the medical condition and the date which the employee should be able to perform regular duties. Based on this information, and other information that may be required by the county, the department director will make a decision, depending upon the needs of the department, whether the employee will be placed on leave without pay and the position will be held for the employee, or whether the employee will be separated from county employment.

Prior to returning to work after an extended disability, an employee must submit a statement from the physician certifying that the employee can fulfill all of the responsibilities of the position.

An employee may, at any time, be required by management to furnish a written statement by a licensed health care professional if unable to work, regardless of the length of illness.

Employees separated from county employment will not be paid for accrued sick leave, except when retiring from county service as described below.

Employees who retire in accordance with definition II.C will be paid for their unused sick leave balance at a rate of \$2.00 per hour. There is no cap on the amount of compensation that an employee may receive for unused sick leave. Because of their higher accrual rate, 24-hour employees will be paid out at two-thirds of that rate.

If an employee dies while in county service and they were eligible for unreduced benefits through VRS, a sick leave payout will be made to the employee's estate the same as if they retired.

C. Family Sick Leave

Each calendar year an employee may use up to four days (32 hours) of accrued sick leave for an illness, injury or medical appointment of the employee's child, spouse, or parent, including those who do not reside in the employee's home, or any relative residing in the employee's home. The name and relationship of the family member must be indicated on the leave request form. Family sick leave must be approved by the employee's supervisor and is not considered an entitlement. If the employee is eligible for the Family Medical Leave Act (FMLA), refer to Administrative Procedure 6-20.

Such leave may be used through the pay period covered by the last pay date of the calendar year. For 24-hour employees, 48 hours each year may be used for family illness.

When an employee uses a sick leave day for family illness, the employee's sick leave balance is reduced one day as if the leave taken was for the employee's illness.

Family sick leave does not accrue beyond a calendar year but is carried over to the next year as regular sick leave. The employee may use up to four days sick leave in each successive year for family illness.

D. Adoption/Surrogacy Leave

A full-time non-probationary employee may use up to 20 consecutive workdays or 160 consecutive work hours, whichever comes first, of sick leave for the purpose of caring for a newly and legally adopted child or child born through surrogacy. For 24-hour employees, one day equals 12 hours. Adoption/Surrogacy Leave must be coordinated with the Family and Medical Leave Act.

To request Adoption/Surrogacy Leave, the employee must submit a request in writing to their department director for approval. The request is to include the amount of leave requested, starting and ending dates, an explanation of the request and evidence of legal adoption (if applicable). The request is then forwarded to the Director of HR for final approval.

E. Floating Holidays

Full-time employees will have the opportunity to use 2 floating holidays of 8 hours each per calendar year. Floating holiday leave may be used through the pay period covered by the last pay date of the calendar year.

All holidays, including floating holidays, are 8 hours in length, regardless of work schedule. Floating holiday leave cannot be carried over from one calendar year to the next. Employees separating from county employment will not be paid for unused floating holidays.

IV. PAID TIME OFF

PTO is a single category of leave to be used in lieu of traditional annual leave, sick leave, and floating holiday categories. The following categories of leave are available to employees in the PTO plan: bereavement leave, civil leave, standard holidays, military leave and professional development leave. These categories are defined in Section V below.

Hours accrued in the PTO plan may be used for any purpose when scheduled in advance or at times when unforeseen circumstances cause an unscheduled absence. When properly scheduled, PTO can be used for vacations, personal or family business, illness, family illness, doctors' appointments, and other reasons. PTO requests (excluding medical/military) that are greater than 30 consecutive calendar days should only occur in rare instances and must be approved in advance by the Director of HR. Employees are not permitted to return to the workplace for short periods of time (less than 30 days) in order to break up the 30 consecutive days or to start a new 30 day leave cycle. Also, employees may not take more than 30 consecutive calendar days of leave if they are not returning to work following their extended leave. Departments with 24-hour operations may work with HR to implement internal policies that are consistent with limiting extended leave for non-medical reasons.

PTO cannot be used until accrued and must be approved in advance for planned absences. For unplanned absences, employees must follow department procedures for supervisor approval. Paid leave and overtime work shall not be scheduled concurrently.

All new full-time employees hired on or after September 3, 2011, are automatically enrolled in the PTO plan. Periodically, the county holds an open enrollment period so that employees in the Traditional Leave Plan may convert to the PTO Leave Plan. Employees who elect to convert to the

PTO plan are allowed to reserve their sick leave balance for future use as defined in Policy 6-28. The Sick Leave Reserve (SLR) reflects the number of sick leave hours at the time of transfer. Once an employee transfers to the PTO plan, sick leave hours no longer accrue and the employee is no longer eligible for the Traditional Leave Plan.

Part-time employees hired into full-time status are automatically enrolled in the PTO plan. Part-time leave balances will be converted to PTO hours.

Effective January 1, 2021, all full-time new hires (including rehires and employees with a status change from part-time to full-time) are granted 40 hours of PTO leave. This is a one-time grant of leave. The granted leave is not available for use until it is added to the employee's leave balance and cannot be used retroactively. Employees on the executive leave plan are not eligible for the 40-hour grant. This leave is in addition to the leave accrual schedule outlined below. Once the leave is added to the employee's annual or PTO balance, all rules related to annual and PTO will apply.

PTO is accrued based on years of service for each completed pay period of service at the following rates:

Years of Full-Time Service	Accrued Hours per Pay Period	Accrued Hours per Year	Carryover Maximum
0 – 5 years	7	168 hours	248 hours
5 – 10 years	8	192 hours	272 hours
10 – 15 years	9	216 hours	296 hours
15 – 20 years	10	240 hours	320 hours
20 + years	11	264 hours	344 hours

Accrual rates and maximum balances will vary for public safety and other departments with 24-hour operations. For a complete list of PTO leave accrual schedules, refer to Accounting Administrative Procedure 1-4, Payment of Compensation to County Personnel.

PTO is accrued during 24 pay periods each calendar year. PTO is not accrued on the third paycheck of the month, which occurs two times a year.

At the end of each year, all PTO leave in excess of the maximum balance, which is unused by the end of the pay period which includes December 31, will roll over into a Sick Leave Reserve bank. In unique circumstances, at the request of the department director, PTO leave above the maximum may be carried over into the new leave year with approval by the Director of HR. It is the employee's sole responsibility to monitor his PTO balance. Any notices received by management are a courtesy and do not relieve employees of the responsibility to monitor PTO balances. Employees were limited in the amount of leave they could take in calendar year 2020 and 2021 due to increased work responsibilities related to the pandemic. Therefore, maximum carryover limits will be waived at the end of CY2021, and employees will be able to carry forward their entire Annual or PTO leave balance from CY2021 into CY2022. Employees will have to use all of their leave in excess of their maximum carryover by the end of CY2022, including any leave they accrue in CY2022, or the leave will be subject to maximum carryover rules.

Full-time employees of Chesterfield County Schools hired into a full-time County Government position with a break in service of 30 days or less between the two positions will be given credit for all completed years of full-time Chesterfield County school service for the purposes of establishing the employee's PTO accrual rate. Accrued sick leave will be transferred into the employee's Sick Leave Reserve (SLR).

A full-time employee who changes their status to part-time and later back to full-time status with no break in service shall be given credit for previous full-time service for the purposes of establishing the employee's PTO accrual rate. Accrued sick leave will be transferred into the employee's SLR.

A full-time employee separated from the county in good standing or due to a reduction in force, who is reemployed full time within five years, shall be given credit for previous service solely for the purpose of accruing PTO and shall be credited with previously accrued sick leave, which will be converted to SLR.

When employees have exhausted all of their PTO, they may be placed in a leave-without-pay status. During the time employees are in a leave-without-pay status, they will not accrue PTO leave unless they are on military leave without pay.

PTO is counted as hours worked for the purposes of calculating overtime pay.

Upon separation or retirement, employees are paid for accumulated PTO leave at their regular hourly rate up to the maximum allowable balance. PTO hours over the maximum leave balance at retirement will be converted to SLR. Employees who retire in accordance with definition II.C. will be paid for their SLR at \$4.00 per hour. The maximum amount of SLR payout at retirement is \$15,000. The standard conversion rate will be applied to the leave balances of Fire and EMS personnel. If an employee dies while in county service and they were eligible for unreduced benefits through VRS, an SLR payout will be made to the employee's estate the same as if they retired.

PTO leave requests may be granted if the request does not conflict with the needs or objectives of the department. The decision of department management as to when PTO leave may be taken is final. Seniority and operational needs of the department may be considered when preparing leave schedules.

Unscheduled PTO leave should be kept to a minimum whenever possible by planning and scheduling absences. Employees must provide a statement from a licensed health care provider when they use more than five consecutive days of unscheduled leave due to illness or injury. An employee may, at any time, be required by management to furnish a written statement by a licensed health care professional if the employee is unable to work due to illness or injury, regardless of the length of time of absence. When an unforeseen need for PTO occurs, employees must notify the appropriate supervisor prior to the start of the shift and will be expected to report on their status on a regular basis as established by the supervisor. Failure to notify the supervisor of an absence or excessive unscheduled leave is considered grounds for counseling and/or disciplinary action.

It is recommended that employees maintain sufficient PTO hours to cover the elimination period and to supplement any anticipated short-term disability, as defined in HR Administrative Procedure 6-28.

V. CATEGORIES OF LEAVE THAT APPLY TO BOTH THE TRADITIONAL LEAVE PLAN AND THE PTO LEAVE PLAN

- A. **Family Medical Leave Act (FMLA)** – All full-time and part-time employees who have worked at least one year for Chesterfield County and have worked 1,250 hours for the County during the previous twelve months are eligible for FMLA leave under the provisions outlined in Administrative Procedure 6-20.
- B. **Maternity Leave** – Maternity leave will be granted consistent with the county's PTO, sick leave, Family Medical Leave Act, annual leave and leave without pay policies.
- C. **Bereavement Leave** – In the event of the death of a close family member, an employee shall be granted up to 24 hours leave with pay per occurrence, with a maximum of six days that can be used through the pay period covered by the last pay date of the calendar year. For 24-hour employees, an employee shall be granted up to 36 hours with pay per occurrence. Close family member is defined in Section II.
- D. **Civil Leave** – An employee shall be granted leave with pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided such call to

duty is reported in advance to the employee's department director. An employee shall not, however, be granted such leave to attend a trial as a party unless required to do so by the county. An employee shall also be granted leave with pay, up to their entire scheduled work shift, when serving as an officer of election, provided such service is reported in advance to the employee's department director.

If jury duty time or officer of election service ends prior to the end of the employee's regularly assigned work hours, the employee will be required to report to work as soon as possible after jury duty or officer of election service has ended. However, no employee who is summoned and appears for jury duty or officer of election service for four or more hours including travel time in one day, shall be required to start any work shift that begins at or after 5:00 p.m. on the day of his appearance for jury duty or begins before 3:00 a.m. on the day following the day of his appearance for jury duty.

Fees received for jury duty will be considered allowance for miscellaneous expenses (meals, parking and travel) associated with jury service. Pay received for officer of election service will be considered allowance for miscellaneous expenses and extended hours on Election Day. Employees do not have to submit these fees or pay to Chesterfield County.

- E. **Executive Leave** – County executives and department directors are eligible for an Executive Leave program. Newly hired/promoted executives are granted a one-time credit of ten PTO or annual leave days on the effective date of their appointment. The accrual rate for newly hired/promoted executives will increase by one hour at the time of their appointment. For more information about the executive leave plan refer to Accounting Administrative Procedure 1-4.

F. **Military Leave**

1. ***Military Leave with Pay*** – Upon presentation of a copy of final orders, an employee who is a member of an officially-recognized reserve or national guard unit shall be entitled to 15 workdays (120 hours) of military leave for training purposes or active duty and shall be paid regular pay. These 15 workdays can be used through the pay period covered by the last pay date of the calendar year. For 24-hour employees, one day equals 12 hours for military leave purposes. For part-time employees that are eligible for benefits, military leave will be paid in proportion to their respective work schedule. Temporary employees are not eligible for military leave.
2. ***Advance Notice*** – An employee who is leaving to perform military service must provide advance written notice to his/her immediate supervisor (including the best approximation of the expected dates of the leave), unless it would be unreasonable to provide notice at that time or s/he is precluded by military necessity from providing notice. Employees should also submit leave request forms indicating the type of leave the employee wants to take i.e., military leave without pay, military leave with pay, PTO, annual leave, floating holiday or an appropriate combination of leaves. When available, employees must provide a copy of their military orders to their supervisor. The employee may make arrangements with Payroll to continue health and dental benefits while on military leave without pay.
3. ***Military Leave Without Pay for Reservist Called to Active Duty***
 - a. An employee who is called to active duty may be placed on military leave without pay when military leave is exhausted. Employees may use any accrued PTO, annual, floating holiday or PTL (for eligible part-time employees) before being placed on military leave without pay. During military leave without pay, PTO, or annual leave and sick leave will accrue as outlined below. These employees will be afforded reemployment rights if required conditions are met.

- b. Effective for all deployments that commence on or after July 1, 2007. Leave plans for all full-time employees placed on military leave without pay will be changed to the standard county leave plan (CO-County for employees in the traditional leave plan or PCO-County for employees in the PTO leave plan). This will ensure that all employees on military leave without pay accrue leave at an equitable rate. Accruals are based on years of service. The duration of PTO or annual and sick leave accrual may not exceed two years cumulatively for any employee. This two-year period is not retroactive and will begin July 1, 2007.
4. ***Voluntary Enlistment in the Uniformed Services of the United States*** – Employees that plan to serve for up to five years in the uniformed services shall be placed on a military leave of absence status. Employees may use their PTO, annual leave, floating holiday or part-time leave (PTL) before being placed on military leave of absence status. These employees will not accrue PTO, annual, sick, or floating holiday leave while in military leave of absence status. These employees will be afforded reemployment rights if required conditions are met.
5. ***Basic Provisions and Requirements for Reemployment***
- a. Chesterfield County shall reemploy military service members if they meet the following criteria consistent with Federal law:
 - (1) The employee must have given notice to their department that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;
 - (2) The period of service must not have exceeded five years;
 - (3) The person must not have been released from service under dishonorable or other punitive conditions; and
 - (4) The person must have reported back to the job in a timely manner or have submitted a timely request for reemployment.
 - b. Restoration timelines are based on the duration of military service. The time limits for returning to work are as follow:
 - (1) Less than 31 days service: The employee must request reemployment by the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible. Whenever an employee returns from federally funded military duty and the required eight-hour rest period overlaps such employee's scheduled work shift, the employee must receive paid military leave to the extent of the overlap. This leave is in addition to the 15 days of military leave for training or active duty.
 - (2) 31 to 180 days: The employee must request reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
 - (3) 181 days or more: The employee must request reemployment no later than 90 days after completion of military service.
 - c. The employee shall be returned to the previous position, if vacant, or a comparable vacant position with the same rights and privileges as if the employee had not entered the military service. This means that when it comes

to PTO or annual leave accrual or eligibility for service awards and retirement, an employee's months of service will include periods of military service.

- d. Generally, employees selected to fill vacancies created by persons on military leave shall be employed on a provisional basis. Department directors may waive this provision if they believe there will be a comparable vacancy available upon the departing employee's return from military service.

6. ***Supplemental Pay and Benefits*** – Under special circumstances the County Administrator may authorize the County to pay active duty full-time and eligible part-time employees the difference between their military pay and their County pay. In addition, active duty employees may also elect to continue in county sponsored health and dental, optional life and long-term disability plans, paying the same premiums as active employees. Duration of this supplemental pay and/or benefits may not exceed two years cumulatively for any employee. This two-year period is not retroactive and will begin July 1, 2003. When reservists are unable to return to work due to an active duty related injury, the County Administrator may extend the two-year supplemental period.

G. **Professional Development Leave**

Employees with greater than five (5) years of continuous full-time service to the county may be granted professional development leave for the purpose of continued development in position-related studies. An employee may use accumulated PTO, annual leave or leave without pay for this purpose, if approved.

The following criteria should be considered when granting professional development leave:

1. Length of service (must be more than 5 years of continuous full-time service to be eligible)
2. Performance level (present and past evaluations)
3. The value of the development to county and departmental operations

All requests for professional development leave must be submitted in writing by the department director to the Director of HR and must be approved by the County Administrator. Under normal circumstances, the employee will be entitled, upon return from professional development leave, to be restored to the same job classification held by the employee when leave commenced. However, restoration is not guaranteed should there be an economic downturn or reorganization while the employee is out on professional development leave.

H. **Leave Without Pay/Dock**

1. When an employee has exhausted all applicable leave, it is up to the department director to approve or deny leave without pay (LWOP). If the department director determines that it is in the best interest of the department to fill the position, the incumbent may be terminated.
2. If an employee is in leave without pay status on July 1, the employee will receive the merit increase for the fiscal year upon return to work. If the leave without pay status is for more than 30 days (except for FMLA or military leave without pay status), the merit increase will be prorated to exclude the amount of time the employee is in leave without pay status. The employee's merit date remains July 1.
3. If an employee is in a leave without pay status (except for FMLA or military leave without pay) for more than 30 days, their leave accrual date will be adjusted to exclude the amount of time the employee is in leave without pay status.
4. Employees will not be compensated for holidays while on leave without pay.

5. An employee's health care benefits will remain the same as if they were in an active status for the first 30 days of leave without pay. If an employee's disciplinary suspension is for less than 30 days, but lasts more than 30 calendar days due solely to their work schedule, his/her health care benefits will continue throughout the suspension period.
6. For purposes of determining retirement benefits, leave without pay shall be accounted for as determined under Virginia Retirement System provisions.
7. Exempt employees are salaried and shall be paid for the full pay week including any holiday that occurs during that week. However, the FMLA allows for partial day docking of exempt employees in FMLA status when leave balances are exhausted. An exempt employee, who is not in FMLA status, with no leave balance may be docked in full day increments only.
8. HR shall be notified by completion of a Personnel Action Form when an employee is in a nonpaid status for an entire pay period. In situations where an employee is in nonpaid status for less than an entire pay period, the department should maintain the appropriate documentation and report time not worked through time reporting as a "dock" leave status. If an employee is in a nonpaid status on the last day of the pay period and is not expected to return on the first scheduled day of the next pay period, the department should contact Accounting-Payroll with questions as to how much dock/unpaid time needs to be reported.
9. If an employee is not in FMLA or Military leave status, they must exhaust all paid leave before being placed in leave without pay status.

I. **Leave Donations**

1. ***Eligibility Requirements***

County employees may be permitted to donate annual leave, part-time leave, or PTO leave to full-time and benefits eligible part-time employees who are unable to work due to their own serious health condition, the serious health condition of an immediate family member (spouse, parent, son or daughter), the birth of a son or daughter, or to care for a newly and legally adopted child, or to care for a child born through surrogacy. Serious health condition and immediate family member are defined in the Family & Medical Leave Act procedure (6-20). Employees receiving donated leave must provide a medical certification from a licensed health care provider to their department before using the donated leave. If an employee receives donated leave for the birth of a child, donated leave will only cover the period that the employee is physically incapacitated, as determined by the health care provider.

Employees are only eligible for donated leave if they are not eligible for workers' compensation wages.

Donated leave may only be used for qualifying circumstances. If qualifying circumstances change, other leave may be applicable.

Recipients in Traditional Leave Plan

Recipients enrolled in the traditional leave plan, who are out of work because of their own serious health condition, shall exhaust all sick, comp-time, part-time, floating holiday leave and have an annual leave balance of 40 hours or less before using donated leave. Recipients who are out of work due to the serious health condition of an immediate family member shall exhaust all family sick (if applicable), comp-time, part-time, and floating holiday leave and have an annual leave balance of 40 hours or less before using donated leave. Recipients who are out of work due to the adoption of a

child or child born through surrogacy shall exhaust the 120 hours of sick leave allowed for adoptions and all comp time, part-time, floating holiday leave and have an annual leave balance of 40 hours or less before using donated leave.

Recipients enrolled in the traditional leave plan, who are out of work for their own serious health condition, may use up to 10 workweeks of donated leave in a 12-month period. Donated leave used to care for an immediate family member, the birth of a son or daughter or to care for a newly and legally adopted child or to care for a child born through surrogacy is limited to four workweeks over the 12-month period. Eligible part-time employees may not use donated leave in an amount exceeding their normal scheduled hours per week.

Recipients in PTO Plan

Employees enrolled in the PTO plan are eligible to receive donated leave for their own serious health condition, the serious health condition of an immediate family member (spouse, parent, son or daughter), the birth of a son or daughter, or to care for a newly and legally adopted child, or to care for a child born through surrogacy.

Recipients enrolled in the PTO plan, who are out of work because of their own serious health condition, shall exhaust all comp-time, and have a PTO balance of 40 hours or less before using donated leave. Donated leave shall be used to supplement STD benefits. Effective January 1, 2020 donated leave may be used after the STD benefits are exhausted. Recipients who are out of work due to the serious health condition of an immediate family member, the birth of a son or daughter, or to care for a newly and legally adopted child, or to care for a child born through surrogacy, shall exhaust all comp-time and have a PTO balance of 40 hours or less before using donated leave.

Effective January 1, 2020, recipients enrolled in the PTO leave plan, who are out of work for their own serious health condition, may use up to 10 workweeks of donated leave in a 12-month period. Donated leave used to care for an immediate family member, the birth of a son or daughter, or to care for a newly and legally adopted child or to care for a child born through surrogacy is limited to four workweeks in a 12-month period.

Donated leave may not be used to satisfy the STD elimination period; employees who exhaust all available leave balances prior to the elimination period being satisfied will be placed on LWOP until eligible for STD pay.

Communication/Solicitation – An employee experiencing a personal or family health situation (“Recipient”) shall not solicit leave donations through email, flyers, or memos. Employees wanting to donate leave (“Leave Donors”) may be notified of a need by word-of-mouth or may become aware of the need because they work closely with the recipient.

2. *Procedure*

Leave Donors shall submit a Leave Donation Web Form to their department director indicating the Recipient’s name and department, the reason for the donation, and the number of hours they want to donate. The Leave Donation Web Form is available in the In Focus system. Leave must be donated in eight-hour increments (i.e., 8, 16, 24, etc.). The donation must not cause the Leave Donor’s balance to fall below 40 hours of annual leave, 40 hours of PTO leave, or 20 hours of part-time leave. The department director shall review the request to ensure these criteria are met and, if approved, forward to HR. The Leave Donation Web Form will be electronically routed to the Recipient’s director (if in another department) to ensure they are supportive and then to HR for approval.

After HR approves the Leave Donation Web Form, it is electronically routed to Payroll. Payroll shall subtract donated leave from the Leave Donor's annual leave, part-time leave or PTO balance and make available to the Recipient.

Before placing employees in donated leave status, the department must contact payroll to determine if a Personnel Action Form is needed. Donated leave may not be taken the same pay period in which it is added to the Recipient's leave balance but may be taken the following pay period. When donated leave is used, the Recipient (or department) shall designate the leave as donated leave. Donated leave must be used within 12 months from the date first used. If after 12 months all donated leave has not been used, the unused donated leave is forfeited. In cases where the recipient did not use any donated leave, the donated leave will be refunded to the donors in the exact number of hours donated.

3. ***Benefits***

Leave Donation Recipients will not accrue annual leave, sick leave, or PTO while in donated leave status. Recipients in donated leave status are not eligible to receive pay for holidays.

Employee deductions will continue to be deducted from the employee's paycheck. County contributions will continue as long as the employee has sufficient donated leave to remain at 100% of their pay. If the pay is not sufficient to cover the benefit deductions, Payroll will contact the employee to set up payment arrangements.

Periods in Leave Donation status are not considered creditable compensation for retirement calculations by the Virginia Retirement System (VRS). Therefore, contributions to VRS will be discontinued when an employee is in Leave Donation status.

Donated leave will not be paid out at termination. Donated leave may not be used past the end of the pay period in which HR receives notification of approval of VRS disability retirement. If approved, long term disability benefits will not begin until donated leave is exhausted.

J. **Standard Holidays**

HR will publish a list of holidays each year, based on the schedule adopted by the Board of Supervisors.

Non-exempt employees must be full-time and in paid status the day before and the day after a holiday to be paid for the holiday.

Non-exempt employees, who are required to work on a scheduled holiday, shall be paid in accordance with Administrative Procedure 6-17, Fair Labor Standards Act Compliance.

County employees in departments that follow the State's holiday schedule shall use annual leave, compensatory time, floating holidays or PTO for hours in which they do not work when County offices are open, but State offices are closed. If employees do not want to use leave when the State is closed, subject to supervisor approval, they may elect to work their regular schedule.

Retiring employees will be paid for holidays that fall on the last day of employment with the county.

K. **Chesterfield County Employee Medical Center**

Employees are not required to use leave for non-occupational health appointments (minor non-work related injury or illness) at the Employee Medical Center. As with any time away from the work site during work hours, supervisor approval is required.

L. **Community Service Leave**

The County awards full-time employees up to 24 hours of paid community service leave per calendar year. Community service leave must be used during an employee's regular work schedule unless approved by his or her supervisor. Department directors also may allow part time employees to use community service leave on a prorated basis.

M. **Parental Leave (Policy will take effect January 1, 2020)**

1. ***Purpose***

The purpose of the policy is to establish guidelines for the consistent administration of paid parental leave. This policy on parental leave works in conjunction with Administrative Procedure 6-20, Family and Medical Leave Act (FMLA). This policy will take effect January 1, 2020.

2. ***Policy***

Each calendar year, eligible employees may use up to two weeks (80 hours) of parental leave for activities related to the care and well-being of their newborn or adopted child, foster care placement, medical recovery related to the birth of a child, or sick parent. Two weeks equates to 80 hours for the general workforce and 112 hours for 24-hour staff. The 80 or 112 hours of parental leave may be used only once per child. Paid parental leave shall be taken in conjunction with the FMLA.

3. ***Eligibility***

To be eligible for paid parental leave, County employees must meet the eligibility criteria for FMLA.

They must:

- a. Be employed by the County for at least twelve (12) months. The twelve (12) months need not be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement.
- b. Have worked a minimum of 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.
- c. Meet the FMLA criteria for one or more of the four (4) paid parental leave categories below.

4. ***Types of Paid Parental Leave***

a. **Paid Maternity Leave for Birthing Mothers**

- (1) All eligible full-time employees shall be granted two (2) weeks of paid maternity leave within a 12-month period.
- (2) All benefits eligible part-time employees will receive two (2) weeks paid maternity leave proportionate to the average number of hours worked per week during the past twelve (12) months.
- (3) The use of paid maternity leave must be continuous and cannot be used intermittently.
- (4) Short Term Disability: Parental leave may be used to supplement reduced income replacement disability benefits following the birth of a child and/or may be accessed after the STD benefits related to the birth cease.
- (5) Parental leave must be used within three (3) months of the birth of a child, adoption or foster care placement.

- b. Paid Bonding Leave
 - (1) After the birth of a child, the full-time, non-birthing parent will receive two (2) weeks of paid bonding leave within a 12-month period for bonding and care of a newborn.
 - (2) All benefits eligible part-time employees will receive two (2) weeks paid bonding leave proportionate to the average number of hours worked per week during the past twelve (12) months.
 - (3) The use of paid bonding leave must be taken continuously and cannot be used intermittently.
 - (4) Parental leave must be used within three (3) months of the birth of a child.
- c. Paid Surrogate, Adoption or Foster Care Placement Leave
 - (1) After the surrogate birth, adoption or placement of a child, full-time parents will receive two (2) weeks of paid parental leave (for bonding) within a 12-month period.
 - (2) All benefits eligible part-time employees will receive two (2) weeks paid surrogate birth, adoption or foster care placement leave proportionate to the average number of hours worked per week during the past twelve (12) months.
 - (3) The use of paid bonding leave must be taken continuously and cannot be used intermittently.
 - (4) Parental leave must be used within three (3) months of surrogate, adoption or foster care placement.
- d. Paid Leave for Employee's Parents
 - (1) All eligible full-time employees will receive two (2) weeks of paid sick parent leave within a 12-month period to care for a parent with a serious health condition as defined in the Family and Medical Leave Act.
 - (2) All benefits eligible part-time employees will receive two (2) weeks paid sick parent leave proportionate to the average number of hours worked per week during the past twelve (12) months.
 - (3) Paid sick parent leave may be taken continuously or intermittently.

5. ***Use of Paid Parental Leave***

- a. Paid parental leave must be used in conjunction with the eligible employee's Family Medical Leave and will be applied towards the Family Medical Leave Act's eligible hours.
- b. Limitations/Restrictions - Paid parental leave will be based on the employee's FMLA eligibility balance. For example: If a full-time employee only has a remaining FMLA balance of one week of FMLA leave the employee would only be eligible for one week of paid parental leave.

6. ***Procedures***

- a. Employees shall submit a written request for parental leave at least thirty (30) calendar days prior to the anticipated leave begin date or as soon as practicable. To qualify for Parental leave, employees are required to submit the FMLA Certification of Health Care Provider form and other applicable FMLA forms to their department.