

**YAKIMA COUNTY
LEAVE OF ABSENCE POLICY
POLICY NO. HR-012**

I. PURPOSE

The County recognizes that employees must establish balance between their work lives, their personal lives, and their obligations as citizens and/or residents of the United States, the State of Washington, and Yakima County. In balancing these obligations, employees may, from time to time, need approved leaves of absence from work.

In recognition of these employee needs and obligations, Yakima County provides reasonable opportunity for employees to obtain approval for both paid and unpaid leaves of absence from work.

This policy supersedes previous Vacation (Annual) Leave, Sick Leave and Paid Holiday policies of Yakima County including these sections of the Personnel Rules and Regulations: 2.70.070 – Annual Leave, 2.70.080 – Sick Leave, 2.70.090 – Authorized Leave of Absence Without/With Pay, and 2.70.100 – Holidays. Provisions of negotiated collective bargaining agreements (labor contracts) which conflict with this policy take precedence over this policy to the extent applicable.

Anniversary Dates defined as follows:

1. Hire Date: date of the individual's most recent employment with the County.
2. Original Hire Date: date of the individual originally entered employment with the County.
3. Continuous Service Date: date used to determine length of service calculations for:
 - A. Time Off Accruals
 - B. Benefit Elections
4. Current Position Date: date individual entered into current position.
5. Seniority Date: date used for Longevity calculations. For YSO Management and Deputy Sheriff Guild only.
6. Union Seniority Date: date to track seniority within each collective bargaining unit.

II. ADMINISTRATION

Leave is earned by full-time and part-time employees budgeted at 50% or greater (excluding Extra Help employees and Elected Officials) according to length of service and regularly scheduled work week. One working day is equivalent to seven and one-half (7 ½) hours for employees working a total of thirty-seven and one-half (37 ½) hours per week and eight (8) hours for employees working a total of forty (40) hours per week.

Part-time employees (20 hours per week minimum) earn leave on a pro-rated basis.

Leave is accrued at the end of each pay period.

Accruals are prorated in any pay period in which the employee is in leave without pay status.

Absences may result in an adjusted continuous service date, seniority date or union service date.

RECORDS. The Department Head/Elected Official is responsible for keeping permanent records for all leave for each employee.

II. PAID TIME OFF (PTO) LEAVE

A. **ELIGIBILITY.** PTO leave is not available to the employee until after having served thirty (30) consecutive days of employment.

- (1) The Department Head/Elected Official shall provide the final determination of satisfactory completion of continuous service; however, continuous service for PTO eligibility shall not be less than thirty (30) days.
- (2) All re-employed persons, whose continuous service has been interrupted by termination, shall be considered new employees and shall be subject to the applicable qualifying period of employment. Exception: Employees rehired within the layoff period after a reduction in force will have their previous monthly accrual rate restored or as required by Federal or State employment laws or legal counsel.
- (3) PTO leave credits accumulated are forfeited automatically on separation for employees who leave County service with less than six (6) continuous months of employment.

B. **ACCRUAL.** Eligible employees earn PTO leave in each pay period, prorated based on hire date, termination date or leave without pay.

- (1) PTO leave is cumulative to a total of forty (40) working days after which time additional accrual does not occur. An employee cannot have more than forty (40) days of PTO leave credit in the bank. Forty (40) working days is equivalent to 320 hours for an 8 hour workday and 300 hours for a 7.5 hour workday.
- (2) An employee's PTO leave accrual rate is based upon length of service and regularly scheduled work week. Listed below are the accrual rates for most full-time employees:

LENGTH OF SERVICE	REGULAR WORK WEEK	
	37.5 hrs/wk	40 hrs/wk
Less than 2 years or service	9.38	10.00
2 to 3 years	11.25	12.00
3 to 5 years	12.50	13.34
5 to 10 years	13.75	14.67

10 to 15 years	15.63	16.67
15 to 20 years	16.88	18.00
More than 20 years	18.75	20.00

- (3) Anniversary dates for the accrual of additional PTO leave hours shall be adjusted for breaks in service or periods when employees are on authorized leave without pay.
- (4) For employees covered under certain collective bargaining agreements, accrual of additional PTO leave accrual rates may vary.

C. **COMPUTATION OF PAYMENT.** PTO leave is charged at a rate equal to the number of work hours absent from the normally assigned shift.

- (1) **PAYMENT AT TERMINATION:** All accumulated PTO leave is paid and included with the final paycheck when an employee leaves voluntarily, or is terminated from employment with Yakima County, provided the employee has served six (6) consecutive months of employment and has provided adequate notice. In case of death, all accumulated PTO leave is paid to the estate of the employee. PTO leave payouts are based on the employee’s salary or wage at the time of separation or death. Adequate notice, for employees resigning from County employment, is defined as written notice submitted at least 14 calendar days prior to termination of employment.
- (2) For some Involuntary Terminations; the Department Head/Elected Official may recommend no payout of accrued PTO if termination is for cause related to disciplinary or work performance deficiencies. This recommendation must be reviewed and agreed upon by HR, Legal and the Board of County Commissioners.

D. **USE.** PTO leave must be taken at such time as the employee can best be spared, but employees will be allowed to take leave, if at all possible, when desired. Therefore, it will be necessary to schedule planned absences as far in advance as possible and notify the employer of unplanned absences as early as possible in order to receive approval by the Department Head/Elected Official.

- (1) With the approval of the Department Head/Elected Official, an employee may take all or any portion of the PTO leave at any time, providing the total continuous working days of PTO leave taken shall not exceed 40 days. Employees are not permitted to use PTO leave in excess of their accrued balance. Leave may not be taken before it is accrued..
- (2) PTO leave may be used for any purpose (unless it is used for a purpose as defined under the WA State Paid Sick Leave Policy), however employees must comply with the leave request/reporting requirements for leave used in conjunction with state and federal family medical leave laws. If possible, an employee requesting PTO must notify the supervisor in advance. The supervisor shall consider the request and shall approve or deny it. A medical release may be required before the employee is permitted to return to work, if the employee has been absent more than 3 consecutive days due to the employee’s injury or illness.

- (3) PTO leave use will be approved when conditions of the Federal Family and Medical Leave

Act, Washington Paid Family and Medical Leave, Washington Family Care Act, Washington State Leave for Victims of Domestic Violence, Sexual Assault and Stalking, Military Family Leave Act, Pregnancy Disability Leave, and/or Washington State Paid Sick Leave are met. See HR-29, Washington State Paid Sick Leave Policy for more information.

- E. **PTO LEAVE SHARING PROGRAM FOR CATASTROPHIC ILLNESS.** A leave contribution program has been established to permit employees to transfer a specified amount of PTO leave to another employee of Yakima County. See HR 015 Catastrophic Leave Policy for more information.

III. SICK LEAVE

- A. **SICK LEAVE.**

GRANDFATHERED SICK LEAVE PLAN: This bank is designated for employees with a sick leave balance as of December 31, 2011. These employee may choose to use sick leave from the bank for any reason specified under Section C below, until such time as the sick leave bank balance is exhausted. This plan is not eligible for accruals.

~~**BUDGETED EMPLOYEES WITH CURRENT SICK LEAVE PLAN:** Sick leave may be used after it has been accrued and after WA State Paid Sick Leave has been exhausted. Sick leave is charged at a rate equal to the number of work hours absent from the normally assigned shift.~~

- B. **PAYMENT AT TERMINATION.** Upon separation from employment, any unused Sick Leave is forfeited without payment, except in the case of death or retirement from the Washington State Department of Retirement Systems, in which case twenty-five percent (25%) of all the employee's accumulated Sick Leave shall be paid to the employee or his/her estate. Payment of accumulated Sick Leave is based on the employee's April 1, 2017 base hourly rate.

USE. Sick leave may be taken for any of the following reasons:

- (1) Illness or injury or temporary disability (such as during pregnancy) which incapacitates the employee to the extent that work can no longer be performed.
- (2) Medical appointments for employee only or eligible dependents.
- (3) To care for the employee's spouse, state registered domestic partner, child, parent, parent-in-law or grandparent with a health condition requiring treatment or supervision, or for emergency purposes.
- (4) An employee may use accrued sick leave to care for a brother or sister, which leave shall be limited to three (3) days in any one instance. Each instance means one (1) "condition or period of illness". Sick leave may NOT be used to care for an aunt, uncle, cousin, niece or nephew, unless living in the employee's household, in which case the three day limitation would apply.
- (5) (5) Employees may use up to five (5) days of sick leave for bereavement when there is a death

of the following immediate family members (spouse, state registered domestic partner, child, parent, parent-in-law, grandparent, brother or sister. Under County sick leave policy “child” means a biological, adopted, foster or stepchild or legal ward under eighteen (18), or a child older than eighteen (18) and incapable of self-care and “parent” means a biological parent or someone who stood in place of a parent (“in loco parentis”) to the employee when the employee was a child.

(6) Sick leave may not be claimed when an employee is on scheduled PTO leave or compensatory time, unless the employee immediately notifies the supervisor of the illness. Upon return to work, the employee may be required to present a written medical certification stating the nature, extent and length of the illness.

(7) For absences that qualify for leave under the Washington State Paid Sick Leave Policy.

C. **REPORTING.** An employee who desires to use sick leave must notify the supervisor as soon as possible.

The supervisor may request a medical certification of illness after three (3) consecutive days in which the employee was scheduled to work, as well as regular updates from the medical provider. A medical release may be required before the employee is permitted to return to work.

IV. EXTENDED SICK LEAVE (ESL)

A. **ESL ACCRUAL.** ESL is earned by regular full-time employees of Yakima County at the maximum rate of four (4) hours for each month of completed service (employees working 7.5 hours/day accrue at the maximum rate of three and three quarters (3.75) hours for each month of completed service). Completed service is defined as time in paid status. Budgeted part-time employees earn ESL on a pro-rated basis according to the hours budgeted for the position.

B. **ESL ELIGIBILITY.** To be eligible for ESL an employee must meet the following conditions:
(1) Have an extended illness or injury lasting two (2) consecutive weeks of a normal work schedule or have a qualified family member with an extended illness or injury lasting two (2) consecutive weeks of a normal work schedule (cannot be used for intermittent absences); and
(2) have served thirty (30) consecutive days of employment; and
(3) have used one (1) standard work week of PTO, SL, WPSL, CT, other paid time off or LWOP.

C. **PAYMENT AT TERMINATION.** Upon separation from employment with Yakima County, any unused ESL is forfeited without payment.

D. **ESL AT REHIRE.** All re-employed persons, whose continuous service has been interrupted by termination, shall be considered new employees and shall be subject to the applicable qualifying period of employment. Exception: Employees rehired within the layoff period after a reduction in force will have their accumulated ESL bank hours restored.

E. **ACCUMULATION OF LEAVE.** ESL is cumulative to a maximum of thirty (30) working days (240 hours), after which time no additional leave may be earned until the leave balance is reduced

through use of leave hours. An employee cannot have more than 240 hours of ESL credit in the bank at any time. The maximum ESL balance shall be pro-rated for employees who regularly work less than forty (40) hours per week.

F. **COMPUTATION OF PAYMENT**. ESL is charged at a rate equal to the number of work hours absent from the normally assigned shift.

G. **USE**. ESL may be taken under the following conditions:

(1) With the approval of the Department Head/Elected Official or designee/supervisor, an eligible employee may take all or any portion of the employee’s available ESL. Employees are not permitted to use ESL in excess of their available balance. Leave may not be taken before it is accumulated.

(2) ESL may only be used for the employee’s own illness or injury or for the following family members: spouse, registered domestic partner, child, parent, parent-in-law, or grandparent. The employee must comply with the leave request/reporting requirements for leave used in conjunction with state and federal family medical leave laws. If possible, an employee requesting ESL must make a written request in advance. The Department Head/Elected Official or designee/supervisor shall consider the request and shall approve or deny it based on the employee meeting the requirements of paragraph IV.B. A medical release may be required before the employee is permitted to return to work.

V. HOLIDAYS

A. **HOLIDAYS**. Employees in regular budgeted positions receive compensation for the following legal holidays:

<u>Holiday</u>	<u>Date Usually Observed</u>
New Year’s Day	January 1
Martin Luther King Day	Third Monday in January
President’s Day	Third Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday of September
Veteran’s Day	November 11
Thanksgiving Day	Fourth Thursday of November
Day following Thanksgiving Day	Fourth Friday of November
Christmas Day	December 25

B. **LEGAL HOLIDAY RULES**. The following rules shall govern holidays:

(1) Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be observed as the holiday. Whenever a legal holiday, falls on a Sunday, the succeeding Monday shall be observed as the holiday.

- (2) Any employee on approved PTO when a holiday occurs will not be charged with PTO leave for that day.
- (3) Any employee who is on compensated sick leave when a holiday occurs will receive a day's pay for that holiday and will not have sick leave charged.
- (4) An employee who is on leave of absence without pay immediately prior to, or following a holiday shall not receive holiday pay.
- (5) If a holiday occurs on an employee's scheduled day off, the employee shall be given an alternate day off during the same pay period at the employee's discretion and with the supervisor's approval or the time may be banked. Alternate holiday time is not eligible for payout upon termination of employment.
- (6) A holiday shall not exceed an 8 hour work day unless otherwise indicated in the collective bargaining agreement. Holiday benefits are pro-rated for part-time employees.

C. **UNPAID HOLIDAYS.** Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. Unpaid holidays may not be carried over into the next calendar year.

- (1) An employee may select the day(s) on which he or she desires to take the unpaid holiday(s) after consultation with his or her supervisor. If an employee prefers to take the unpaid holiday(s) on specific dates, the employee will be allowed to take the unpaid holiday(s) on the day(s) he or she has selected unless the absence would impose an undue hardship.
- (2) Undue hardship as defined in WAC 82-56-020 means an action requiring significant difficulty or expense to the employer. WAC 82-56-020 establishes factors that should be considered in determining whether approving unpaid leave results in an undue hardship to the employer.
- (3) In determining whether the employee's absence would result in an undue hardship, Yakima County must make a case by case determination based on the specific objective facts and circumstances present at the time of the request.

VI. AUTHORIZED LEAVE OF ABSENCE WITH PAY/WITHOUT PAY

A. **OTHER LEAVE OF ABSENCE WITH PAY.** Leave of absence with pay may be granted for the following reasons:

- (1) **MILITARY LEAVE.** An employee who is a member of the National Guard or Reserves of the United States, and who is ordered to active military duty shall be granted military leave of absence with pay for a period not to exceed twenty one (21) work days each year beginning October 1st and ending the following September 30th. Additional leave due to military orders shall be charged to the employee's available leave bank(s) or taken as leave without pay.

- (2) **COURT LEAVE.** All full-time and part-time employees who submit a summons for jury duty, subpoena or other proper legal documentation from a court may be given court leave from their regularly scheduled work for the purpose of serving as a member of a jury or as a witness in Federal, State, County or City Court. Court leave will not be charged against any other accrued leave and there will be no deduction in regular compensation for the absence. All authorized fees for jury duty will be forfeited to the County by the employee, except for payment of mileage and other travel related expenses. An employee shall not receive Court Leave for civil cases where the employee is a party in a legal dispute, unless the dispute is related to actions taken by the employee while performing or purporting to perform duties in the course of employment with the County.
- (3) **SPECIAL MEETINGS AND TRAINING.** Whenever it is deemed in the best interest of the County, an employee may be granted time off with pay to attend professional, technical institutes, conferences, or special educational training directly appropriate to the employee's position.

B. **LEAVE OF ABSENCE WITHOUT PAY.** Authorized leave of absence without pay will not interrupt prior continuous employment. Absences may result in an adjusted continuous service date, seniority date or union seniority date.

(1) The Department Head/Elected Official has the discretion to authorize a leave of absence without pay prior to other time banks being exhausted. Authorization under this provision is on a case by case basis and will take into consideration employee performance, history of bank accrual/usage, and position held within the organization.

Adopted Copy Available at
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