

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

Signed Copy Available at
Yakima County Human Resources
128 N. 2nd Street, Room B27
Yakima, WA 98901

I. PURPOSE

Yakima County acknowledges the importance of balancing an employee's work, personal life, and obligations as citizens and/or residents of the United States, the State of Washington, and Yakima County.

Yakima County provides reasonable opportunities for employees to obtain approval for both paid and unpaid leaves of absence from work.

This policy supersedes previous policies regarding eligibility, accruals and use of Leaves. Provisions outlined in negotiated collective bargaining agreements (CBA's) that conflict with this policy take precedence over this policy to the extent applicable.

1. Anniversary Dates defined as follows:

- A. **Hire Date:** The date of the individual's most recent employment with the County.
- B. **Original Hire Date:** The date the individual originally entered employment with the County.
- C. **Continuous Service Date:** This date is used to calculate the length of service for:
- D. Time Off Accruals
- E. Benefit Elections
- F. **Current Position Date:** The date an individual entered into their current position.
- G. **Seniority Date:** This date is used for Longevity calculations. Applicable to YSO Management, Deputy Sheriff Guild, DOC Management, DOC Officers Corporal and Sergeants and Court Protection Unit.
- H. **Union Seniority Date:** This date tracks seniority within each collective bargaining unit.

II. ADMINISTRATION

- 1. **Responsibility:** Human Resources is responsible for administering this policy. A copy of this policy is located on the County intranet, YCShare.
- A. Leave is accrued by full-time and part-time employees budgeted at 50% or greater (excluding Extra Help employees and Elected Officials) based on their length of service and regularly scheduled work week.
- B. For employees working a total of thirty-seven and one-half (37 ½) hours per week, one working day is equivalent to seven and one-half (7 ½) hours. For employees working a total of forty (40)

hours per week, one working day is equivalent to eight (8) hours.

- C. Part-time employees (minimum of 20 hours per week) earn leave on a pro-rated basis.
- D. Leave is accrued at the end of each pay period.
- E. Accruals do not occur in any pay period where the employee is in unpaid status for more than half of the period.
- F. Absences may result in an adjusted continuous service date, seniority date or union service date.

2. **Records:** The Department Head/Elected Official is responsible for keeping permanent records of all leave for each employee. Workday is the system of record for documenting all time off for employees.

III. ACCRUED LEAVE PLANS

The following section outlines the different accrued leave plans available to eligible employees, detailing the conditions for earning, using and managing these time off types. Each type of leave is designed to accommodate different circumstances and needs, ensuring that employees have the necessary support to manage their health, family responsibilities, and other personal matters effectively.

- 1. **Annual Leave (AL):** Annual Leave is offered for specific bargaining units. Please refer to your collective bargaining agreement (CBA) for rules regarding the accrual and use of this leave.
- 2. **Compensatory Time (CT):** This time off is addressed in a separate policy due to the intricacies of the leave. Please refer to HR 002 Compensatory Time Policy for more information.
- 3. **Extended Sick Leave (ESL):**
 - A. **Eligibility:** To qualify for ESL, an employee must meet the following criteria:
 - 1) Complete thirty (30) consecutive days of employment; and
 - 2) Experience 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
 - 3) Utilize one (1) standard work week of PTO, SL, WPSL, Comp Time, other paid time off (i.e., Holiday) and/or Leave Without Pay (LWOP).
 - B. **Accrual:** ESL is earned by regular full-time employees of Yakima County at a 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.

- 1) ESL is cumulative to a maximum of 240 hours. The maximum ESL balance shall be pro-rated for employees who regularly work less than forty (40) hours per week, and is based on the hours budgeted for the position.
- 2) **ESL at Rehire:** Re-employed individuals, whose continuous service has been interrupted by termination, shall be considered as new employees and 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 based on the date of termination.

C. Use: ESL may be taken under the following conditions:

- 1) ESL cannot be used for intermittent absences.
- 2) With approval from the Department Head/Elected Official or designee/supervisor, eligible employees may use all or a portion of the available ESL balance. Usage exceeding the available balance is not permitted. Leave cannot be taken before it has been accrued.
- 3) ESL is reserved for an employee's own illness or injury, or for the illness or injury of a qualified family member, including:
 - Spouse
 - Registered domestic partner
 - Child
 - Parent
 - Parent-in-law
 - Grandparent

D. Computation of Payment: ESL usage is charged based on the number of hours absent from the normally assigned shift.

- 1) **Payment at Termination:** Upon separation from employment with Yakima County, any unused ESL is forfeited without compensation.

E. Reporting: The employee must follow the leave request/reporting requirements as outlined in state and federal family medical leave laws. If possible, an employee should request ESL in writing in advance. The Department Head/Elected Official or their designee/supervisor will review the request and approve or deny it based on the employee meeting the requirements.

F. Verification: Medical documentation is required for use of this leave.

4. Paid Time Off (PTO):

A. Eligibility: PTO leave is not available to the employees 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 (accrued hours) 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, and may be 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. 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 standard regularly scheduled work week. Listed below are the accrual rates for most employees:

LENGTH OF SERVICE	REGULAR WORK WEEK	
	37.5 hrs/wk	40 hrs/wk
Less than 2 years	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.

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 the date of termination.

- 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 Human Resources, 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 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) 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 any active Federal or Washington State leave laws apply.

5. Sick Leave

A. Grandfathered Sick Leave Plan (No Accrual):

- 1) **Eligibility:** This bank is designated for employees with a sick leave balance as of December 31, 2011. These employees may choose to use sick leave from the bank for any reason specified under Section C. Use below, until such time as the sick leave bank balance is exhausted.
- 2) **Accrual:** This plan is not eligible for accruals.
- 3) **Use:** Sick leave may be taken for any of the following reasons:
 - a) Illness or injury or temporary disability (such as during pregnancy) which incapacitates the employee to the extent that work can no longer be performed.
 - b) Medical appointments for employee only or eligible dependents.
 - c) 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.

- d) 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.
- e) 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.
- f) 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.
- g) For absences that qualify for leave under the Washington State Paid Sick Leave Policy.

4) **Computation of Payment:** Sick leave is charged at a rate equal to the number of work hours absent from the normally assigned shift.

- a) **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.

5) **Reporting:** An employee who desires to use sick leave must notify the supervisor as soon as possible.

6) **Verification:** 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.

B. **Budgeted Employees with Current Sick Leave:** Sick Leave is a benefit offered for specific bargaining units. Please refer to your collective bargaining agreement (CBA) for rules regarding the accrual and use of this leave.

C. **Washington State Paid Sick Leave (WPSL):** This policy is addressed in a separate policy due to the intricacies of the leave. Please refer to HR 029 WA State Paid Sick Leave Policy for more information.

IV. COLLECTIVE BARGAINING SPECIFIC LEAVE

This section outlines the basics of other leaves for specific collective bargaining agreement (CBA). Please consult your collective bargaining agreement (CBA) for eligibility and details for the following:

1. Alternate Holiday
2. Guild Group Leave Bank
3. Floating Holidays or Holiday Time
4. Kelly Time

V. HOLIDAYS

1. **Holidays Observed:** Regular budgeted Employees receive compensation for the following legal holidays:

Holiday	Date Usually Observed
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
Juneteenth	June 19
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

2. **Legal Holiday Rules:**

- A. If a legal holiday falls on a Saturday, the preceding Friday is observed as the holiday. If a legal holiday falls on a Sunday, the succeeding Monday is observed as the holiday.
- B. Employees on approved PTO or compensated sick leave during a holiday will not be charged with PTO or Sick Leave for that day.
- C. An employee who is on leave of absence without pay (LWOP) for any portion of the day immediately prior to or following a holiday shall not receive holiday pay.
- D. 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.
- E. A holiday shall not exceed an 8-hour work day unless otherwise indicated in the collective bargaining agreement. Holidays are pro-rated for regular budgeted part-time employees.

3. Unpaid Holidays:

A. Employees are entitled to two unpaid holidays per calendar year for reasons 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 they desire to take the unpaid holiday(s) after consultation with their 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) they have selected unless the absence would impose an undue hardship (as defined in WAC 82-56-020).
- 2) 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

1. Other Leave of Absence With Pay:

Leave of absence with pay may be granted for the following reasons:

A. **Administrative Leave:** This leave may be designated by the Department Head and Yakima County must make a case-by-case determination based on the specific objective facts and circumstances present at the time of the request.

B. **Bereavement Leave:** Employees are eligible to take up to five (5) days of sick leave or other accrued paid time off for bereavement following the death of an immediate family member. Immediate family members include spouse, state-registered domestic partner, child, parent, parent-in-law, grandparent, or sibling.

- 1) For the purposes of bereavement leave, the following definitions apply:
 - a) **Child:** A biological, adopted, foster or stepchild, or a legal ward under age eighteen (18), or a child older than eighteen (18) and incapable of self-care due to a disability.
 - b) **Parent:** A biological parent or individual who stood in place of a parent ("in loco parentis") to the employee when the employee was a child.
- 2) Employees should notify their Department Head or Elected Official as soon as possible to request bereavement leave, ensuring that all necessary documentation is provided, if requested.
- 3) Certain union contracts have different rules regarding bereavement leave. Refer to your CBA for information.

C. Court Leave: All full-time and part-time employees who provide a summons for jury duty, subpoena or other proper legal documentation from a court may be granted court leave during their regularly scheduled work hours to serve as a member of a jury or witness in Federal, State, County or City Court. Court leave will not be charged against any other accrued leave balances and there will be no reduction in the regular compensation for the absence.

- 1) Employees are required to forfeit any and all authorized fees received for jury duty to the County by the employee, except for payment of mileage and travel-related expenses.
- 2) An employee shall not receive Court Leave for personal legal matters where the employee is a party in a legal dispute, unless the legal case is directly related to actions taken by the employee while performing or purporting to perform their official duties for the County.

D. Educational Leave: Educational Leave is a benefit offered for specific bargaining units. Please refer to your CBA for rules regarding the eligibility and use of this leave.

E. WA State Military Leave: An employee who is a member of the National Guard or Reserves of the United States, and is ordered to active military duty will be granted paid military leave for up to twenty-one (21) workdays each year, from October 1st through September 30th. If additional leave is required due to military orders, the employee may use available leave bank(s) or leave without pay.

2. 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.

A. Other Unpaid Leave: 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.

B. Furlough Leave: This unpaid leave is a mandatory leave of absence from which the employee is anticipated to return to work or be restored from a reduced work schedule, dependent on circumstances controlled by your department. Refer to your CBA for more information and contact your supervisor for details.

VII. COUNTY, STATE AND FEDERAL LEAVE PROGRAMS

1. This section outlines the basics of the following leave laws and programs:

- Americans with Disabilities Act (ADA)
- Family Medical Leave Act (FMLA)
- WA State Paid Family Medical Leave (PFML)
- Pregnancy & Parental Leave
- Uniformed Services Employment and Reemployment Rights Act (USERRA)

A. Leave Programs:

- 1) **Americans with Disabilities Act (ADA):** Leave as a form of reasonable accommodation is considered on a case-by-case basis, following ADA guidelines. Refer to **HR 022 ADA Policy** for more information.
- 2) **Family and Medical Leave Act (FMLA):** This is a federal leave program that grants eligible employees up to 12 weeks of family and medical leave during any 12-month period. Please refer to **HR 008 Family and Medical Leave Policy** for detailed information.
- 3) **WA State Paid Family Medical Leave (PFML):** This program is administered by the Washington State Employment Security Department. Please refer to the WA State PFML website for full details and more information at www.paidleave.wa.gov or request information from Human Resources.
- 4) **Pregnancy & Parental Leave:** Yakima County complies with several federal and state laws related to pregnancy and parental leave, including:
 - **Federal Laws and Programs:**
 1. Family Medical Leave Act (FMLA)
 2. Title VII of the Civil Rights Act of 1964
 3. Pregnant Workers Fairness Act
 - **Washington State Laws and Program:**
 1. Paid Family and Medical Leave (PFML)
 2. Pregnancy Disability Leave
 3. Breastfeeding Accommodations
 4. Pregnancy Discrimination
- 5) **Uniformed Services Employment and Reemployment Rights Act (USERRA):** Yakima County complies with USERRA, which is a federal law that protects the employment and reemployment rights of employees leaving for military service, whether voluntarily or involuntarily.

B. Administration:

- 1) **Authorized Uses:**
 - a) Leave under federal, state and county programs can only be used for qualifying reasons, which may include:
 - (1) Serious health conditions of the employee or a qualified family member
 - (2) Pregnancy or prenatal care
 - (3) Birth, adoption, or foster care placement of a child
 - (4) Military Service or obligation
 - (5) Disability accommodations
 - (6) Other specific circumstances outlined in the relevant laws or policies
- 2) **Verification of Absences:**

- a) **Verification Types:** Employees may be required to provide documentation to verify the need for leave, such as:
 - 1. Medical certification from a healthcare provider
 - 2. Proof of military service
 - 3. Documentation related to family or parental leave
 - 4. Other relevant documentation as required under specific leave programs
- b) **Expense for Verification:** Any cost associated with obtaining verification is typically the responsibility of the employee.

3) **Coordination of Leaves:** The order of leave use will be determined based on eligibility criteria, policy requirements and employee preferences when possible.

- a) Employees may be required to use available paid leave concurrently with certain unpaid county, federal or state leave.