

# Salt Lake County Human Resources Policy 4-200: Leave Practices

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## **Purpose**

This policy explains the circumstances under which an eligible employee may use the various types of paid and unpaid leave provided by Salt Lake County.

## **I. Policy**

Salt Lake County provides various types of paid and unpaid leave for an employee's absence from work for personal and professional reasons. Documentation supporting a request may be required at any time (i.e. military orders; funeral program for funeral leave). Leave under the [Family and Medical Leave Act \(FMLA\)](#), [Americans with Disabilities Act as Amended \(ADAA\)](#), Worker's Compensation and Long Term Disability are covered under separate policies.

## **II. Procedures**

### **A. Administrative Leave (Paid)**

1. An employee may be placed on paid administrative leave for the following purposes:
  - a. investigation, disciplinary, or organization needs
    - i. employees will be placed on administrative leave for no longer than is necessary for the agency to determine the employee's status
  - b. as an incentive or reward to the employee
    - i. Employees granted administrative leave as an incentive or reward will not receive more than 80 hours in a calendar year
    - ii. Any administrative leave awarded must be used within a year of the date granted.

### **B. Compensatory time will be granted in accordance with [HR Policy 5-100, Pay Practice](#).**

### **C. Funeral Leave**

1. Employees in the following employment statuses are eligible for a paid funeral leave: 02 regular, 03 probationary, 04 provisional, 08 permanent part-time with benefits and 12 time limited appointed.
2. At the discretion of the administrator, funeral leave may be granted to make funeral arrangements, settle family affairs, attend the funeral or memorial service and for bereavement.
3. The amount of funeral leave granted is at the discretion of the administrator based upon the employee's individual circumstances and the needs of the agency. The maximum time off for funeral leave is as follows:
  - a. Up to 40 work hours for immediate family which includes spouse, adult designee, child, ward, dependent child of an adult designee, parent, legal guardian, brother, sister, grandparent, grandchild, mother-in-law, father-in-law and step-relatives of the same order.
  - b. Up to 24 work hours that may be extended to 40 work hours for other family members who include uncle, aunt, nephew, niece, brother-in-law, sister-in-law, son-in-law and daughter-in-law.
  - c. Up to ten hours per calendar year for other relatives and friends Hours not used in the calendar year will not to be carried forward to the next year.

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- d. If additional time off is needed, an employee may request to use vacation, compensatory time or leave without pay.
- e. In the event of a family member's death while an employee is on vacation, the employee's time off may be extended by the amount of funeral leave permitted by this policy if approved by the administrator.

## D. Holiday Leave

1. Employees in the following employment statuses are eligible for paid leave on holidays: 02 regular, 03 probationary, 04 provisional and 12 time limited appointed.
2. Employees in the following employment statuses are eligible for pro-rated paid leave on holidays based on the number of hours the employee is normally scheduled to work weekly (i.e. 20 hours per week = 4 hours paid leave; 30 hours per week = 6 hours paid leave): 04 provisional, and 08 permanent part-time with benefits.
3. A benefits eligible employee who works an alternative schedule is eligible for holiday pay based on the FTE held.
4. Employees in 05 temporary status are not eligible for paid leave on holidays.
5. To be eligible for holiday pay, an employee must be in an eligible pay status the last scheduled work day before the holiday is observed.
6. The following days are defined as legal holidays when most County government offices are closed:
  - a. The 1st day of January                      New Year's Day
  - b. The 3rd Monday of January                Martin Luther King Day
  - c. The 3rd Monday of February-              President's Day
  - d. The last Monday in May                    Memorial Day
  - e. The 4th day of July                          Independence Day
  - f. The 24th day of July                         Pioneer Day
  - g. The 1st Monday of September              Labor Day
  - h. The 11th day of November                 Veterans Day
  - i. The 4th Thursday of November            Thanksgiving Day
  - j. The 4th Friday of November                Day after Thanksgiving
  - k. The 25th day of December                 Christmas Day
7. A holiday that falls on a Sunday will be observed on the following Monday. A holiday that falls on a Saturday will be observed on the preceding Friday.
8. Employees required to work on holidays are paid in accordance with [HR Policy 5-100 Pay Practices](#).
9. As holidays occur, leave will be added to a holiday bank based on the employee's eligible pay status.
10. When employees record holiday on their time card, the hours will be deducted from the bank.
11. Employees may not exceed 40 hours in a week when recording holiday leave.
12. Employees may accrue up to 24 hours of holiday leave. Holiday leave will be audited annually at the conclusion of each employee's last full work cycle in July. Holiday leave exceeding 24 hours will be forfeited on August 1 of each year.

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13. Hours remaining in the bank will be cashed out upon separation.
- E. Holiday Leave – Sheriff’s Office Sworn Employees
1. Employees in the following employment statuses are eligible for 96 hours of holiday leave per calendar year: 02 regular and 03 probationary. The 96 hours of holiday leave is in lieu of the holidays listed in 4-200-II-D-6 and the personal preference holiday.
  2. The 96 hours of holiday leave will be divided equally between the 12 calendar months of the year. Employees are eligible to use eight hours of holiday leave at the beginning of each month.
  3. Employees who take 80 hours or more of leave without pay (LWOP) in one month will not be awarded holiday leave for the following month.
  4. Holiday hours will be prorated based on the number of months worked by an employee entering the Deputy Sheriff’s Merit Commission (DSMC) system during the calendar year.
  5. Employees entering the DSMC system from the Career Service system will be awarded unused hours in the former position for the calendar year.
  6. Employees who work on holidays will be paid at straight time unless the requirements for overtime are met.
  7. Supervisors should allow for the scheduling of eight holiday hours off per month. Due to the difficulty in maintaining shift schedules for 24 hour coverage, holiday leave may be scheduled by the Sheriff’s Office Divisions.
  8. Employees may accrue up to 24 hours of holiday leave. Holiday leave will be audited annually at the conclusion of each employee’s last full work cycle in July. Holiday leave exceeding 24 hours will be forfeited on August 1 of each year.
- F. Incentive Leave
1. Employees are eligible for paid leave in accordance with [HR Policy 5-100 Pay Practices](#).
- G. Jury and Witness Leave
1. Employees in the following employment statuses are eligible for a paid leave of absence for jury or witness duty in response to a subpoena or directive by the Federal Government, State of Utah or its political subdivisions: 02 regular, 03 probationary, 04 provisional, 08 permanent part-time, 09 part-time and 12 time limited appointed.
    - a. Sheriff’s Office sworn employees in employment status 02 regular.
  2. Jury duty is an approved absence.
    - a. An employee will be granted paid time off for jury duty.
    - b. Scheduled work time may be spent traveling to and from jury duty
    - c. An employee may keep income received from jury duty
  3. Witness duty may be an approved absence if related to employment.
    - a. Traveling to and from employment-related witness duty
    - b. An employee may keep income received from witness duty
  4. An employee subpoenaed for private litigation or by a party other than the Federal Government, State of Utah or its political subdivisions, to testify as an individual and not in a work-related official capacity, may request to use vacation or leave without pay.
- H. Leave Without Pay (Excluding Long Term Disability Applicants, Workers Compensation, Military Leave and Family and Medical Leave (FMLA))

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1. Employees in the following employment statuses may submit a written request for an unpaid leave of absence not to exceed 180 consecutive days in a 12 month period to the employee's supervisor: 02 regular, 08 permanent part-time and 09 part-time. The supervisor will submit a recommendation for approval of a request for leave without pay of more than 2 calendar days to their department director or elected official.
  2. An employee on leave without pay for more than a cumulative 30 calendar days does not accumulate retirement benefits and contributions to the employee's state Retirement Fund will not be made during the period of leave.
  3. An employee on leave without pay does not accrue sick or vacation leave.
  4. Insurance benefits for leave without pay of 30 or more consecutive days will be handled in accordance with [HR Policy 4-300 Insurance and Retirement Programs](#) and [HR Policy 4-900 Retirement Policy](#).
  5. An employee returning from leave without pay status will be reinstated in accordance with [HR Policy 2-700 Employment Practices](#).
- I. Military Leave
1. Employees in the following employment statuses are eligible for a paid leave of absence for military duty: 02 regular, 03 probationary, 04 provisional, 08 permanent part-time and 12 time limited appointed.
  2. The employee may be granted up to a maximum of 15 working days (120 hours) per calendar year.
  3. If additional time off is required, the employee may use vacation or leave without pay.
  4. A copy of the military orders supporting the leave request will be submitted to the employee's Administrator before beginning leave. The agency will forward a copy of the military orders to the Human Resources Division for placement in the employee's official personnel file.
  5. Employees activated for military duty under the [Uniformed Services Employment and Re-Employment Rights Act \(USERRA\)](#) may be absent from employment for the period required by the official orders and as prescribed in the Act.
  6. An employee returning from active duty will be reinstated in accordance with [Uniformed Services Employment and Re-Employment Rights Act \(USERRA\)](#) and [HR Policy 4-300 Insurance and Retirement Programs](#) and [HR Policy 4-900 Retirement Policy](#).
- J. Sick Leave
1. Employees in employment statuses 02 regular, 03 probationary, 04 provisional, 08 permanent part-time and 12 time limited appointed will accumulate sick leave according to the following formula:
    - a.  $\text{Accrual} = \text{regular hours worked} \times (\text{times}) .04615$
  2. There is no limit on the amount of sick leave that may be accrued and carried forward to succeeding years.
  3. Sick leave may be used for an employee's absence from work due to illness, injury, medical appointments and to care for an ill or injured immediate family member.
  4. Sick leave may be used after the employee has completed one month of employment.
  5. Sick leave may be used in increments of one quarter hour or more.

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6. Employees are not allowed to use sick leave for any period of time beyond or in advance of time already accrued.
7. Holidays occurring while an employee is on sick leave are not deducted from accrued leave.
8. Employees will report an intended absence to their supervisor prior to the beginning of their scheduled work day or following normal agency call-in procedures.
9. Administrators are responsible for approving or denying sick leave requests and may require medical clarification of illness. Employees using five or more consecutive days of sick leave will be required to provide a note from a health care provider documenting the medical need for the absence.
10. Employees who use little or no accrued sick leave during the calendar year will automatically have a portion of the unused sick leave converted to vacation in January of each year according to the following formula:
  - a.  $\text{Accrued Credit} - (\text{minus}) \text{Used Credit} - (\text{minus}) 64 \text{ Hours} = \text{Converted Credit}$ 
    - i. Employees may waive conversion of sick leave by submitting a written request to the Human Resources Division no later than December 15 of each year.
11. Sick leave is not accrued when an employee is on leave without pay.
12. When an employee transfers from one Agency to another, accrued sick leave will be transferred to the new Agency.
13. Employees terminating County employment, for reasons other than retirement, will not be compensated for unused sick leave accumulated prior to the termination date.
14. An employee may not donate sick leave to another employee
15. Agencies may not require a minimum balance of accrued sick leave.

K. Vacation and Personal Preference Day

1. Employees in statuses 02 regular, 03 probationary, 04 provisional, 08 permanent part-time and 12 time limited appointed will accrue vacation according to the following schedule:

COUNTY SERVICE	ACCRUAL
Service date through end of 8 <sup>th</sup> year	Regular hours worked x (times) .04615
9 <sup>th</sup> year through end of 16 <sup>th</sup> year	Regular hours worked x (times) .06923
17 <sup>th</sup> year and over	Regular hours worked x (times) .09231

2. An employee's service date or adjusted service date is used to determine the rate of vacation accrual.
3. Vacation and the personal preference day may be used after the employee has completed one month of employment.
4. Vacation may be used in increments of one quarter hour or more.
5. Personal Preference Day
  - a. Employees eligible to accrue and use vacation are eligible to use a personal preference day based on FTE.
    - i. Employees may take the Personal Preference Day at their discretion with supervisor approval.
    - ii. The Personal Preference Day may not be taken in increments (i.e., a .75 FTE may take one 6 hour Preference Day, not two 3-hour Preference Days).

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- b. Preference days are not cumulative and will be forfeited if not used within the calendar year.
  6. Employees must request approval to use accrued vacation from their supervisor prior to scheduling.
  7. Administrators will encourage employees to use accrued vacation and to arrange work schedules so that employees may take vacations at times convenient for them as well as for the County.
  8. Holidays occurring while an employee is on vacation are not deducted from accrued vacation.
  9. Employees are not allowed to use vacation for any period of time not currently documented in the payroll system.
  10. No more than 40 days (320 hours) of unused accrued vacation will be carried from one year to the succeeding year (use or lose).
  11. Vacation is not accrued when an employee is in leave without pay status.
  12. An employee may not receive cash payment of vacation accruals until separation from employment.
  13. When an employee transfers from one agency to another, accrued vacation will be transferred to the new agency.
  14. Vacation accrued at the time an employee terminates will be paid in accordance with HR Policies [2-800 Resignation and Exit Interviews](#); [4-300 Insurance and Retirement Programs](#); and [4-900 Retirement Policy](#).
  15. Agencies may not require a minimum balance of accrued vacation leave.
- L. Voluntary Furlough
1. Employees in the following employment statuses are eligible to participate in the voluntary furlough program: 02 regular, 03 probationary, 04 provisional, 08 permanent part-time, 09 part time, 12 time limited appointed and 95 appointed.
  2. The Voluntary Furlough Program is available only when authorized for budget-required reasons by the County Council.
  3. Employees in the following employment statuses must have a combination of 80 hours of accrued vacation and sick leave before the voluntary furlough is approved and taken: 02 regular, 03 probationary, 04 provisional and 08 permanent part-time.
  4. Voluntary furlough leave is approved in the same manner as vacation and sick time.
  5. An employee may take no more than 30 voluntary furlough days per calendar year and no more than ten consecutive voluntary furlough days at a time.
  6. Voluntary furlough leave is recorded as leave without pay.
  7. Employees designated as Fair Labor Standards Act (FLSA) non-exempt may take furlough as a normal scheduled work day or partial day; a partial day is considered to be one-half the employee's normally scheduled work day.
  8. Employees designated as FLSA exempt may take furlough in full day increments and do not lose their exempt status except for the workweek in which the furlough occurs.
    - a. An FLSA exempt employee will not perform any work related tasks while on furlough.
    - b. An FLSA exempt employee will not work more than 40 total hours including regular hours and furloughed hours during a workweek.

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9. Employees cannot use leave time or work extra hours during a work week to cover furlough time.
  10. Employees cannot use furlough time as part of an approved leave without pay or for a disciplinary suspension.
  11. An employee who elects to include a legal holiday as part of the Voluntary Furlough Program will not be paid for the designated legal holiday(s).
  12. Employees approved for furlough receive the same benefits available under this policy, HR Policy [4-300 Insurance and Retirement Programs](#), and HR Policy [4-900 Retirement Policy](#) at a reduced rate.
  13. Voluntary furlough is not considered a break in service requiring a service date adjustment.
  14. No overtime costs or the use of temporary employees will be used or incurred as a result of granting a furlough.
  15. The Human Resources Division will develop and distribute a [form](#) for participating agencies to document the terms of the voluntary furlough program.
  16. Employees paid by a funding source other than the County will only be granted furlough time consistent with the terms and conditions of the funding source.
- M. Unauthorized Leave
1. Any other absence not covered above and approved by the agency may be designated as unauthorized leave without pay and could result in discipline.

### III. References

- A. Utah Code 63.13.2 as amended, 2000
- B. Uniformed Services Employment & Re-employment Rights Act, 1994; 38 U.S.C.; 4301-4333
- C. Utah Code 39.1.36 as amended, 1989
- D. Human Resources Policy:
  1. 1-200, General Definitions
  2. 2-100, Employment Status
  3. 2-800, Resignation
  4. 4-400, Workers' Compensation
  5. 4-600, Family and Medical Leave (FMLA)
  6. 4-800, Service Awards
  7. 5-100, Pay Practices