



Board of Supervisors Memorandum

November 5, 2013

Revisions to Personnel Policies

Background

Attached are proposed revisions to select Personnel Policies (PPs). Explanations for these proposed changes are as follows:

1. Personnel Policy 8-106 – Sick Leave

- 8-106 D.7 b and c relating to donated time are deleted in conformance with the new Catastrophic Leave Program referenced in 8-106 G.

2. Personnel Policy 8-107 - Special Leaves of Absence with Pay

- 8-107 E.2 clarifies parameters for bereavement leave usage by removing consecutive work day requirement and adding full day increments and six- month time limit.
- 8-107 E.4 strikes "disability" to properly reference the type of leave defined in PP 8-108.

3. Personnel Policy 8-108 – Leaves of Absence without Pay

- 8-108 A strikes "disability" to properly reference leave granted because of a medical condition
- 8-108 C changes the words "disability" and "disabilities" to "condition(s)" to properly reference leave granted because of a medical condition
- 8-108 I.2 strikes "disability" to properly reference the type of leave defined in PP 8-108.
- 8-108 I.9 strikes "disability" to properly reference the type of leave defined in PP 8-108.
- 8-108 I.10 strikes "disability" to properly reference the type of leave defined in PP 8-108.

Recommendation

I recommend that the Board of Supervisors approve the Personnel Policy modifications outlined above to become effective on November 5, 2013.

Respectfully submitted,


C.H. Huckelberry
County Administrator

CHH/mjk – REVISED October 29, 2013
Attachments

c: Allyn Bulzomi, Director, Human Resources

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A. Eligibility

1. All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees are eligible to accrue sick leave from date of appointment. New hire employees hired under the Pima County Trainee Program are eligible to accrue sick leave from date of appointment.
2. A temporary employee extended beyond the first six (6) months of employment shall accrue and may use sick leave beginning with the pay period following six (6) months of continuous service and extended employment. A temporary employee appointed to a regular appointment without a break in service shall be credited with sick leave from original date of hire.
3. Sick leave shall accrue during any approved leave of absence with pay.
4. Sick leave shall not accrue during any leave of absence without pay or suspension without pay.
5. Upon returning to County employment, an employee who retired from Pima County with fewer than 241 hours of unused sick leave hours is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.
6. Upon returning to County employment, any employee who converted sick leave hours to annual leave for payout purposes is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.
7. An employee who is reinstated or reemployed and did not convert sick leave hours to annual leave for payout purposes shall, upon passing initial probation or earlier when probation does not apply, regain the accrued sick leave hours held at the time of termination.

B. Rate of Accrual

1. An eligible full-time employee shall accrue sick leave at the rate of three and seven tenths (3.7) hours per pay period.
2. An eligible part-time or variable-time employee shall accrue sick leave at a pro-rated amount of three and seven tenths (3.7) hours per pay period based on actual hours worked (excluding any overtime hours) plus any accrued paid leave used during the current pay period. Any pay received based upon catastrophic leave bank hours will not be pro-rated nor calculated for accrual purposes. An eligible part-time or variable-time

employee shall not accrue pro-rated sick leave for hours worked less than forty (40) in a pay period. For accrual purposes, hours paid are exclusive of premium hours worked.

C. Accumulation

An employee may accumulate sick leave up to a maximum of one thousand nine hundred twenty (1,920) hours. Any accumulation in excess of this maximum shall not be credited to the employee.

D. Use of Sick Leave

1. An eligible employee may use sick leave after three (3) months of continuous service. Accrued sick leave may be used prior to the first three (3) months of service for a job-related injury or job-related illness.
2. Accruals earned at the end of the current pay period are not available for use until the following pay period.
3. At the discretion of the Appointing Authority, an employee classified as Executive (E), Administrative (A), or Professional (P) may be required to use accrued sick leave for absences of less than a full work day when the Appointing Authority determines that voluntary partial day absences taken by the employee are excessive or have a negative impact on the operation of the department. Employees eligible for overtime are required to use sick leave for absences of less than a full work day.
4. Sick leave may be used for:
 - a. Illness of the employee or any surgical, medical, or dental care for the employee. An employee who requires leave for medical reasons may be eligible for leave under the provisions of the Family and Medical Leave Act (FMLA) of 1993, Personnel Policy 8-108 G. Both exempt and nonexempt employees are required to use all available accrued sick leave when on intermittent or full time FMLA leave.
 - b. Both exempt and non-exempt employees will be charged accrued annual or sick leave, to the extent accruals exist, for time taken as FMLA leave. Such annual or sick leave, to the extent accruals exist, is paid leave.
 - c. The illness of a spouse, mother, father, step-mother, step-father, grandparent, child, stepchild, foster child, grandchild, domestic partner or child of a domestic partner. The employee must file an

affidavit with the department in order to take sick leave for the illness of the domestic partner or child of a domestic partner once a calendar year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the Human Resources Department for the domestic partner or child of the domestic partner enrolled under the County's health benefits plan.

- d. Use of sick leave as defined in c. above is for a combined maximum of forty (40) hours per year (established by anniversary date). An employee who must care for a seriously ill spouse, child, or parent as defined in the Family and Medical Leave Act may be eligible for FMLA leave.
 - e. Parental reasons, such as court appearance, registration of child(ren) for school, teacher conference, or adoption procedure that can only be scheduled during business hours. Paternity leave is included under leave for parental reasons for those employees not eligible for paternity leave under FMLA, Personnel Policy 8-108 G. Leave for parental reasons should be requested in advance, when possible. Leave for parental reasons is included in and not in addition to the forty (40) hour maximum cited in Paragraph 3.d. above.
 - f. The birth and/or care of a child, or the placement of a child for adoption, foster care, or other legal custody. Employees who request leave for these reasons may be eligible for FMLA leave, Personnel Policy 8-108 G.
 - g. Attendance at court proceedings under the Arizona Victim Leave Law, as detailed in Personnel Policy 8-108 H.
- 5. Sick leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using sick leave.
 - 6. An employee using annual leave who becomes ill may, upon verification of illness, charge the illness to accumulated sick leave.
 - 7. In order to discourage excessive use of sick leave, an eligible employee may convert up to a maximum of fifty-six (56) hours of the unused portion of sick leave accrued during the current year (established by the end of the pay period in which the anniversary date falls) to annual leave at the employee's request. Any sick leave used during the current anniversary year will be deducted from the fifty-six (56) hour maximum to determine

the amount available for conversion. (EXAMPLE: If only eight (8) hours of sick leave have been used during the anniversary year, the employee may transfer up to forty eight (48) hours of sick leave to annual leave. If fifty-six (56) or more hours of sick leave have been used during the anniversary year, the employee cannot transfer any sick leave hours to annual leave).

- a. — Transfer of sick leave hours to annual leave is done only at the written request of the employee. Requests must be made to payroll within thirty (30) calendar days after the end of the year (established by anniversary date). Transfer credit becomes effective at the end of the payroll period in which the request is processed. This transfer applies to all permanent employees and to deputy sheriffs who have completed one (1) year of their initial probation, including those who have two hundred forty (240) or more hours accrued on their anniversary date, after the adjustment to two hundred forty (240) hours has been made.

As an equivalent to full-time conversion, part-time and variable-time employees are eligible to convert fifty-eight percent (58%) of sick leave hours accrued during the current year (established by the end of the pay period in which the anniversary date falls), less any sick leave used, to annual leave.

- b. — ~~A permanent County employee may request no less than four (4) nor more than fifty six (56) hours of sick leave accrued during the current year (established by anniversary date) be transferred to another County employee as sick leave credit provided the donor has earned at least fifty six (56) hours of sick leave during this time period and at the time of donation has not used more than fifty two (52) hours of sick leave during the current anniversary year. The donor shall not be eligible to convert to annual leave any hours of sick leave that have been donated during the current anniversary year.~~
- c. — ~~A permanent County employee who has accumulated the maximum amount of sick leave hours as established by PP 8-106.C.1 may request no less than four (4) nor more than fifty six (56) hours be transferred to another County employee as sick leave credit. In no case, shall the donor be eligible to donate hours on or before the fifteenth (15th) pay period following the end of the pay period in which the donor's anniversary falls.~~

E. Leave Requests

To utilize sick leave, an employee must:

1. Report promptly to his/her immediate supervisor or department, giving the reason for the absence.
2. Keep the immediate supervisor or the department informed daily, unless approved otherwise by the supervisor, if the unscheduled sick leave exceeds one (1) work day. Failure to comply with the above may constitute an unauthorized absence without pay.
3. Provide the department written verification from a recognized physician or medical practitioner for use of sick leave lasting more than three (3) work days. Unless waived by the Appointing Authority, verification shall be provided upon return to work, or as requested by the department, and may be provided by mail or messenger if required.
4. Permit the County to make verification of the illness in cases of suspected abuse of this Policy.
5. Submit a written request for extended sick leave (over three [3] work days) to the department at least two (2) weeks in advance of the intended absence, or as soon as possible after an emergency situation arises which requires extended sick leave. The dates and duration of the sick leave should be noted in the written request. Requests for extended absences are reserved for situations involving an operation or hospitalization. Approval must be obtained from the department's authorized representative prior to the beginning of an extended sick leave. A department may authorize an extended sick leave in emergency situations when advance approval cannot be obtained.
6. Submit leave requests under the provisions of FMLA consistent with Personnel Policy 8-108 G.

F. Disposition of Accrued Sick Leave

1. An employee who transfers from one County department to another shall retain any accumulated sick leave. An employee who changes from one employment type to another shall retain any accumulated sick leave and shall be eligible to use and/or accrue sick leave in accordance with his/her current employment type.
2. A permanent status employee who either resigned in good standing in accordance with Merit System Rules/Law Enforcement Merit System

- F. 2. Rules or who was laid off and did not convert hours pursuant to PP 8-106.I and who returns to County employment within two (2) years from the effective date of resignation shall, upon passing probation, regain the accrued sick leave held at the time of resignation.

G. Catastrophic Leave Program

An employee may donate a portion of his/her sick leave to the catastrophic leave bank. An eligible employee who is experiencing serious medical hardship or catastrophic illness may apply for and receive catastrophic leave provided:

1. The recipient is enrolled in the catastrophic leave program.
2. The recipient meets the eligibility definitions of the Family Medical Leave Act (FMLA). As the FMLA criteria change, so will the catastrophic leave criteria.
3. The recipient has exhausted all paid sick and annual leave and compensatory time earned from his/her own accounts.
4. There is a positive balance in the catastrophic leave bank.

After confirmation of eligibility, the recipient shall begin to receive catastrophic leave following the exhaustion of his/her own leave time as indicated in paragraph G.3 above. If more time was requested than the recipient actually required, only the needed amount shall be used and any excess will be returned to the catastrophic leave bank.

Implementation and administration of the catastrophic leave program are set out by administrative procedures.

Denial of a request for leave hours from the catastrophic leave bank is not grievable or appealable.

H. Conversion of Sick Leave Hours to Annual Leave Upon Retirement

1. A conversion of unused sick leave hours to annual leave upon retirement shall occur for employees taking normal, early or permanent disability retirement.
2. Eligibility is limited to those employees who retire from County service into the Arizona State Retirement System, Public Safety Personnel Retirement System, or Corrections Officer Retirement Plan.

- H. 3. Conversion of unused hours of sick leave to annual leave shall be as follows:

<u>Unused Hours of Sick Leave</u>	<u>Conversion To Annual Leave</u>
0 - 240 hours	0% of all hours up to 240
241 - 480 hours	25% of all hours up to 480
481 - 720 hours	35% of all hours up to 720
721 + hours	50% of all hours

4. The hours of sick leave converted to annual leave for retirement payout purposes shall not be included in the calculation of the two hundred forty (240) hours payoff limit specified in Personnel Policy 8-123.

I. Conversion of Sick Leave Hours to Annual Leave Upon Layoff

1. A conversion of unused sick leave hours to annual leave upon layoff is available to employees upon request and prior to the date of layoff. If an employee requests and receives this payout and returns to County employment, he or she is ineligible for reinstatement of sick leave hours under Personnel Policy 8-106 F.2.
2. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 H.3 and H.4.

J. Conversion of Sick Leave Hours to Annual Leave for Unclassified Employees

1. An unclassified employee may convert unused sick leave hours to annual leave upon request if his/her County position is eliminated due to the employee being transitioned into a non-county entity.
2. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 H.3 and H.4.

A. Administrative Leave

1. Upon approval of the Appointing Authority and the County Administrator, an employee may be granted administrative leave with pay when emergency situations exist such as extreme weather conditions, fire, flood, or malfunction of publicly owned or controlled machinery or buildings, making it hazardous or impossible for the employee to get to or perform at his/her workstation (providing alternate work or workstation has not been designated).
2. An employee shall be granted administrative leave with pay upon the declaration of the Board of Supervisors that a state of emergency, disaster, or grief exists, and that such leave is to be granted.
3. Administrative leave with pay may be given to an employee by the Appointing Authority when it is determined to be in the best interest of the County, except in the case of layoffs, which may require County Administrator approval.
 - a. An employee may be placed on administrative leave with pay for up to thirty (30) business days. For extensions beyond thirty (30) business days, County Administrator approval is required.
 - b. The notification of administrative leave shall be delivered to the employee no later than five (5) business days after the effective date of the leave. The notice shall contain the specific reason(s) for the leave in sufficient detail to inform the employee of the reason(s) for the action. Prior to the commencement of administrative leave under this section, all County property, including County issued identification cards, access badges/key cards, keys, mobile devices, etc., shall be collected from the employee and retained by the department until the conclusion of the leave.
 - c. At the conclusion of administrative leave, the employee shall be returned to work and advised of any appropriate action.
4. Upon approval of the Appointing Authority, an exempt employee may be granted up to three (3) work days of management leave with pay per fiscal year during his/her normally scheduled work days and work hours. The purpose of management leave is to recognize exceptional performance. Requests for additional management leave must be submitted to the County Administrator for consideration and shall not be awarded to the employee(s) until approval is received. Each department shall provide the County Administrator with a report detailing all

management leave as it is awarded. The report must indicate the department, each employee's name and position held, the reason leave is being granted and the dates and total hours of management leave awarded. Management leave is non-accruable.

B. Grievance/Appeal Activity Leave

Grievance/appeal activity leave applies to preparation and/or investigation of a grievance or appeal.

1. A permanent employee shall be granted grievance/appeal activity leave with pay up to three (3) hours per grievance/appeal. Grievance/appeal activity leave is limited to two (2) occurrences per fiscal year. Time in excess of the three (3) hour limit shall be charged to some other type of leave and must be approved in advance. Pursuant to Merit System Rule 13.1 D., this three (3) hour limit does not apply to those times when the employee is called to testify in a Human Resources grievance/appeal proceeding.
2. An employee representative shall be granted grievance/appeal activity leave with pay up to three (3) hours per grievance/appeal, when requested for the purposes of investigation or representation on behalf of another employee, for grievances/appeals formally submitted to the appropriate authority. Grievance/appeal activity leave is limited to two (2) occurrences per fiscal year. Time in excess of the three (3) hour limit shall be charged to some other type of leave and must be approved in advance.
3. Grievance/appeal activity leave is non-accruable and shall not be taken in increments of less than one (1) hour.
4. Requests for grievance/appeal activity leave shall be made in writing at least three (3) business days in advance, unless conditions preclude such advance notice as determined by the Appointing Authority.

C. Special Program Leave

1. Upon approval of the Appointing Authority, an employee may be granted special program leave with pay.
2. Special program leave applies only to those programs which have been approved by the County Administrator and/or Board of Supervisors for employee participation.
3. Requests for special program leave shall be made in writing at least five (5) business days in advance, unless conditions preclude such advance notice as determined by the Appointing Authority.

D. César Chavez Remembrance Day Leave

1. Upon proclamation of the Board of Supervisors, the fourth Monday in March shall be designated as a day of remembrance in honor of César Estrada Chavez, for his efforts in establishing the farm labor movement.
2. Eligible employees, hired prior to the fourth Monday of March, shall be granted a day of administrative leave with pay.
 - a. For those departments with normal working hours of Monday through Friday, 8:00 am to 5:00 pm, the administrative day may be granted either the fourth Monday in March or the Friday immediately preceding the fourth Monday in March.
 - b. For those departments with twenty-four (24) hour operations, Elected Official departments or departments given specific written approval by the County Administrator, the administrative day may be granted any day beginning the three weeks preceding the fourth Monday in March up through and including the three weeks immediately following the Friday that precedes the fourth Monday in March.
3. Only employees who are working (i.e., not on any type of approved leave of absence) are eligible for the remembrance day. The only exceptions are employees on intermittent family and medical leave or employees on modified duty workers' compensation who are actually working.
4. Full-time employees shall be granted a single day of eight (8) hours of paid time off. Part-time and variable-time employees and employees on intermittent family and medical leave or employees on modified duty workers' compensation who are actually working shall receive a prorated amount of paid time off based on regular hours paid in the previous pay period. If no regular hours were paid in the previous pay period, the amount of paid time off shall be based upon regular hours worked during the pay period in which the remembrance day is administered.
5. Intermittent employees, as defined in Merit System Rule 1, are not eligible for this remembrance day leave.

E. Bereavement Leave

1. Upon approval of the Appointing Authority, an eligible employee may be granted paid bereavement leave for each occurrence in the case of the death of a family member. For purposes of bereavement leave, "family member" includes an employee's spouse, mother, father, step-mother, step-father, grandparent, child, stepchild, foster child, grandchild, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, domestic partner or child of a domestic partner. The employee must file an affidavit with the department in order to take bereavement leave for the death of the domestic partner or the child of a domestic partner once a calendar year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the Human Resources Department for the domestic partner or child of the domestic partner enrolled under the County's health benefits plan.
2. Paid bereavement leave shall be for a period of up to three (3) ~~consecutive work~~ days per occurrence for the death of an eligible family member occurring within the State of Arizona, or up to five (5) ~~consecutive work~~ days per occurrence for the death of an eligible family member occurring out of state. **EMPLOYEES MUST TAKE BEREAVEMENT LEAVE IN FULL DAY INCREMENTS AND WITHIN THE FIRST SIX (6) MONTHS FOLLOWING THE DEATH OF AN ELIGIBLE FAMILY MEMBER. DAYS NOT TAKEN WITHIN SIX (6) MONTHS OF THE DEATH OF AN ELIGIBLE FAMILY MEMBER SHALL BE FORFEITED.**
83. Full-time employees shall receive eight (8) hours of paid time off for each day of approved bereavement leave. Part-time and variable-time employees shall receive a prorated amount of paid time off based on regular hours paid in the previous pay period. If no regular hours were paid in the previous pay period, the amount of paid time off shall be based upon regular hours worked during the pay period in which paid bereavement leave is approved.
74. Upon approval of the Appointing Authority, an eligible employee may use his or her annual leave, compensatory time or unpaid leave under 8-108.F., when additional bereavement time is needed.
35. All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees with less than (6) months of service are eligible for bereavement leave.
46. An employee on an approved unpaid leave of absence as defined in 8-108.A. is not eligible for bereavement leave unless on intermittent FMLA or intermittent medical ~~disability~~ leave and working during the pay period when bereavement leave is requested.

57. Bereavement leave may be used for the purpose of making funeral arrangements, settling family affairs, bereavement, and/or attending the funeral or memorial service of an eligible family member.
68. The Appointing Authority or designee may require a death certificate, obituary, or documentation from the funeral home.
9. Bereavement leave shall not be counted as hours worked for the purpose of computing overtime.

A. Types of Leave

Leaves of absence without pay may be granted by a department to an employee for the following reasons and lengths of time:

<u>Reason</u>	<u>Maximum Leave Time</u>
Education	One (1) year
Medical Disability	One (1) year
Candidacy for Elective Office	Six (6) months
Best Interest of County	One (1) year
Humanitarian/Personal	Six (6) months
Family and Medical Leave	Twelve (12) to Twenty-six (26) weeks
Victim	Unlimited

All leaves of absence must have the written approval of the employee's Appointing Authority, except leave designated under the Family and Medical Leave Act.

B. Education

An employee may be granted a leave of absence without pay for educational purposes when it is determined that such leave is in the best interest of the County and/or does not adversely affect its operation.

C. Medical ~~Disability~~

An employee may be granted a leave of absence without pay when unable to work because of a medical ~~disability~~**CONDITION** that is documented by a recognized physician or medical practitioner. ~~Medical disability~~ **TO** includes ~~disability~~**CONDITIONS** arising from pregnancy or childbirth. For continuing ~~disabilities~~**CONDITIONS**, official documentation of the status of the ~~disability~~**CONDITION** may be required on a monthly basis at the discretion of the Appointing Authority. Upon returning to work from medical ~~disability~~ leave, the employee shall provide a written release from his/her attending physician or medical practitioner. Medical ~~disability~~ leave will end effective the date an employee is notified of his/her full or permanent long term disability coverage. Employees receiving full coverage under long term disability shall immediately resign from County employment. Intermittent medical ~~disability~~ leave without pay

- C. may occur as an Americans with Disabilities Act (ADA) accommodation as determined by Federal law and regulations under the ADA or due to a serious medical condition as determined by Human Resources and may be interspersed with paid time. The ADA is set out by administrative procedures which comply with the Americans with Disabilities Act.

D. Candidacy for Elective Office

When an employee files petitions of candidacy for an elective office other than School Board Member, the employee shall be placed on a leave of absence without pay if it is determined that the employee's election activities prevent the employee from performing his/her County duties, or that the election activities adversely affect the operation of the department.

E. Best Interest of County

With the full concurrence of the employee and the Appointing Authority and the approval of the County Administrator, an employee may be placed on a leave of absence without pay if it is determined that such leave is in the best interest of the County.

F. Humanitarian/Personal Reasons

An employee may be granted a leave of absence without pay for humanitarian or personal reasons when it is determined that undue hardship to the employee would otherwise result and that the operation of the department would not be adversely affected or to supplement bereavement leave pursuant to 8-107 E.7. Humanitarian/personal leave includes a leave of absence due to the birth and/or adoption of a child and the serious illness of a child, stepchild, foster child, grandchild, spouse, mother, father, grandparent, domestic partner and/or the child of the domestic partner, as established by affidavit once a year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the Human Resources Department for the domestic partner or child of the domestic partner enrolled under the County's health benefits plan.

G. Family and Medical Leave Act (FMLA) Leave

1. Family and Medical Leave: An employee may be granted a leave of absence without pay as determined by Federal law and regulations under the FMLA. The FMLA is set out by administrative procedures which comply with the Family and Medical Leave Act.
2. Military Family Leave: The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces as established in the Federal law and regulations.

- G. 3. The employee is required to use accrued sick and/or annual leave banks and compensatory time concurrent with FMLA unpaid leave and pursuant to administrative procedures. This applies to all eligible exempt and non-exempt employees on intermittent or continuous FMLA leave.

H. Victim Leave

1. General Conditions

- a. An employee may be granted a leave of absence without pay for an unlimited amount of time under the provisions of the Arizona Victim Leave Law, ARS § 8-420 and § 13-4439, if the employee is a "victim" of a crime. The leave of absence shall be granted for the employee to attend all court proceedings involving the perpetrator(s) of the crime(s) against the employee.

Exception: an employee's time may be limited if it creates an undue hardship, as defined by the statute, for the County.

- b. The employee shall maintain all seniority rights while absent from employment under these provisions.
- c. All records regarding an employee's victim leave shall be considered confidential and maintained in a separate department personnel file.

2. Eligibility: to be eligible for victim leave, an employee must have been the victim of a juvenile offense or adult crime.

- a. "Victim" is defined as a person against whom the delinquent act or criminal offense has been committed, or if the person/victim is killed or incapacitated, the person's immediate family or lawful representative.

(1) "Immediate family" means a victim's spouse, parent, child, sibling, grandparent or lawful guardian.

(2) "Lawful representative" means a person who is designated by the victim or appointed by the court to act in the best interests of the victim.

- b. Exception: a family member is not entitled to take victim leave who is in custody for an offense or is the accused.

3. Employee's option for pay: victim leave is unpaid, unless the employee elects to use accrued sick and/or annual leave, or compensatory time, none of which need be exhausted before victim leave begins.

- H. 4. Department requirements: at the conclusion of the leave period, the department shall assign the employee to the same or an equivalent position with the same pay, benefits and working conditions. An employee has no greater right to restoration or to other benefits than if the employee had been continuously employed during the leave period.
5. Leave request procedure: an eligible employee shall provide the Department with the following documentation before victim leave is granted:
- a. A copy of the notice from law enforcement or the prosecutor regarding the employee's status as a crime victim; and
 - b. A copy, if applicable, of the notice of any scheduled proceeding.

I. General Provisions

1. An employee shall submit his/her request for a leave of absence without pay at least two (2) weeks in advance of such leave, unless such advance time is not practicable, or is reduced or waived by the department. The employee must also complete a Leave of Absence Insurance Coverage Agreement or group insurance will cease during the leave period. Approval must be obtained before such leave begins.
2. Annual leave and sick leave shall not accrue while an employee is on a leave of absence without pay, including continuous FMLA leave, unless the employee is using his/her own leave banks. Employees on intermittent or reduced schedule leave under FMLA, on intermittent medical disability leave or on intermittent victim leave shall accrue annual and sick leave based on the number of regular hours paid in the same pay period during which leave is used, including all hours of the employee's own leave and/or time worked. Unpaid hours will not be calculated nor applied for the purpose of determining annual and sick leave accruals.
3. An employee on a leave of absence without pay, who is not using his/her accrued leave banks, shall not receive pay for holidays.
4. An approved leave of absence without pay is not considered a break in County service, but no credit is given toward seniority unless the leave of absence without pay was for Uniformed Services leave in accordance with 8-103 G.1.b.
5. A leave of absence without pay shall not be granted for an employee to engage in outside employment.

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- I. 6. A department may appoint a temporary replacement, without a guaranteed length of employment, or detail another employee to substitute for an employee on a leave of absence without pay, until the regular employee returns. Upon agreement with the department, the employee is not obligated to remain on the leave of absence until the scheduled end date if reasons for the leave have changed and the employee is able to return from the leave earlier than scheduled.
 7. An employee starting a leave of absence without pay, who wishes to continue coverage under any of the County's group insurance programs, must submit a Leave of Absence Insurance Coverage Agreement to Human Resources prior to such leave.
 8. An employee starting a leave of absence without pay, other than FMLA leave, is expected to pay the full cost of the insurance premiums, which includes both employee's and employer's shares. The employee starting FMLA leave is expected to pay only the employee's cost of the premiums. If insurance coverage lapses, an employee can elect to continue coverage within thirty (30) calendar days upon returning to work.
 9. An employee on intermittent medical ~~disability~~ leave will receive the employer's share of the insurance premium as long as he/she receives sufficient pay to cover the employee's share. Otherwise, the employee is responsible for the employer's and the employee's share of the insurance premium.
 10. A leave of absence without pay, when granted, must be continuous and may not be interspersed with paid time, except for intermittent medical ~~disability~~ leave, for intermittent FMLA leave, and for intermittent victim leave.
 11. Resignation during a leave of absence without pay becomes effective two (2) weeks from date of notice, or at the end of the leave of absence, whichever occurs first.