



## St. Johns County Administrative Code Section: Personnel

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|-------------------------------------------------------------|----------------------------------------|
| <b>Title: 408 Leave</b>                                     | <b>Issued: Apr 1992</b>                |
| <b>Reference: County Resolution 81-8230 FMLA<br/>USERRA</b> | <b>Revised: Aug 2007<br/>June 2012</b> |

### **408.1 Family and Medical Leave**

As a Family Medical Leave Act (FMLA) covered employer, the County has provided to all employees the [U.S. Department of Labor's Notice to Employees of Rights Under the FMLA](#) – Employee Rights and Responsibilities Under the Family and Medical Leave Act. Employees should review this notice (select link) prior to reading this policy to understand their rights and responsibilities under the FMLA. This policy is intended to supplement the information in the Notice with the County's policies and procedures regarding an employee's FMLA leave.

#### Eligibility

Employees are eligible if they have worked for the County for at least one (1) continuous year and for 1,250 hours over the previous twelve (12) months.

#### Measuring the 12-Month Period

Employees are entitled to a maximum combined total of twelve (12) weeks of leave in a twelve (12) month period for a serious health condition of the employee or family member, a qualifying exigency, pregnancy, and/or leave for the birth of a child, or the placement of an adopted or foster care child (please see Notice for details). The County will determine the amount of leave an employee has available for those reasons using a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave.

#### Military Caregiver Leave 12-Month Period

The FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member or covered non-active veteran during a single twelve (12) month period. The single twelve (12) month period for the military caregiver leave begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends twelve (12) months after that date. Military caregiver leave does not run concurrently with other forms of FMLA leave.

#### Requesting Leave and Extensions of Leave

Employees, who need a leave of absence, or an extension of leave, must contact the Personnel Services Department. Employees are required to give the County, through the Personnel Services Department, thirty (30) days notice or as much notice as practicable. All leave covered by Workers' Compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy and as permitted by law.

#### Certification Requirements

The County may require an employee to submit a medical certification from a health care provider, as well as second and third opinion, recertification, and fitness for duty certifications, as permitted by law.

#### Complying with the County's Policies and Procedures

Eligible employees who take FMLA leave are required to comply with the County's time and attendance policies. Employees must follow the County's policies and procedures for requesting leave and reporting absences and tardiness. Employees who do not comply with these policies, or who fail to cooperate with the



## St. Johns County Administrative Code

### Section: Personnel

County in administering this policy (including providing requested documents) may be subject to disciplinary action up to and including termination. Failure to comply with these procedures also may result in a delay or denial of FMLA leave.

#### Leave Increments for Child Birth, Adoption or Foster Care Placement

Leaves to care for the employee's child after birth or the placement of a child for adoption or foster care must be taken in a single block of time and cannot be taken on an intermittent or reduced schedule basis without the approval of the Department Director and in conjunction with the Personnel Services Department. This leave must be completed within twelve (12) months following the birth or placement of the child. However, an employee may use this leave before the placement of an adopted or foster child to consult with attorneys, appear in court, attend counseling sessions, etc. When both parents work for the County, the maximum combined amount of leave for the birth or placement of a child for adoption or foster care is twelve (12) weeks in the twelve (12) month period.

Leave taken by an employee to obtain prenatal care will be treated as leave for a serious health condition.

#### Scheduling of Intermittent or Reduced Scheduled Leave

For intermittent leave or leave on a reduced leave schedule taken because of a serious health condition or to care for a covered service member with a serious injury or illness, there must be a medical need for the leave that is best accommodated through an intermittent or reduced leave schedule. Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule.

If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt operations. Employees requesting leave on an intermittent or reduced schedule basis that is foreseeable based on planned medical treatment may be temporarily transferred to another job with equivalent pay and benefits that better accommodates recurring periods of leave, with the approval of the Department Director and in conjunction with the Personnel Services Department.

#### Medical Insurance Coverage

During FMLA leave, the County will continue to pay its portion of the premium for insurances in force in accordance with other County policies. The employee must continue to pay their portion of the premiums. Failure to do so may result in termination of coverage. An employee will be advised in advance of any changes in premiums so that they will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA leave.

If an employee does not return to work after the expiration of the leave, the employee will be required to reimburse the County for the County's portion of health insurance premiums as permitted by law, unless the employee does not return due to a serious health condition which prevents the employee from performing the job or because of circumstances beyond the control of the employee. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition. In order to be considered as having "returned to work," the employee must return to the workplace for at least thirty (30) calendar days.

#### Substitution of Accrued Paid Leave

Generally, FMLA leave is unpaid. However, employees may receive pay pursuant to the County's paid leave policies (sick leave, vacation leave, etc.), at their discretion, as long as the employee has accrued unused paid leave and satisfies any procedural requirements of such paid leave policy. For example, an employee may only



## St. Johns County Administrative Code

### Section: Personnel

receive vacation pay while on FMLA leave if they obtain authorization to take vacation leave under the County's vacation policy.

In such cases where FMLA is running concurrent with an employee on Workers' Compensation leave and the employee is receiving pay but not their full pay, accrued paid leave may be used to supplement the employee's pay to bring the employee up to full salary, to the extent that both the County and the employee agree.

While the employee is out on FMLA leave the employee will continue accruing paid leave as long as the employee is using paid leave. If an employee uses all paid leave and remains unable to return to work, the remainder of the FMLA leave will be unpaid. During the period of unpaid leave, the employee will not continue to accrue paid leave.

#### Substitution of Donated Leave

A donation of vacation leave by another employee is permitted for an employee on FMLA leave in accordance with section 408.12, but may only be approved once the employee on FMLA has exhausted all of their available accrued leave. Employees who donate vacation leave to a qualified employee are required to complete a donor form under the Compassionate Leave policy, and submit it to the Personnel Services Department for approval. These forms are available on the Intranet. Employees receiving donated vacation leave are considered, for the purposes of this policy, to be in a non-pay status and therefore will not accrue vacation leave, sick leave, seniority pay, etc.

#### Return to Work

Employees returning from leave for their own serious health condition must provide certification from their health care provider that they are able to resume work and perform the essential duties of their regular job. Failure to do so may delay or result in denial of reinstatement.

Except for "Key Employees," as that term is defined by the FMLA, employees returning to work at the end of FMLA leave will be placed in their original job or an equivalent job with equivalent pay and benefits. Employees will not lose any benefits that accrued before leave was taken. An employee on leave at the time a merit increase or bonus is due will receive the increase or bonus upon return if not provided during the leave period. The date for the increase and/or bonus, however, may be reset to incorporate the length of the leave at issue.

FMLA does not affect accrual of seniority. Employees may not, however, be entitled to discretionary raises, promotions, bonus payments, or other benefits that become available during the period of leave.

#### Job Abandonment/Voluntary Resignation

If an employee fails to return to work at the expiration of their approved FMLA leave, they may be treated as having voluntarily resigned after three (3) days unless an extension is granted by their immediate supervisor and the Personnel Services Director. A request for extension of FMLA leave must be submitted to the employee's supervisor prior to the expiration of the approved FMLA leave and medical certification may be required before granting such an extension. Such extension may not be granted beyond twelve (12) weeks per calendar year (or twenty-six (26) weeks in the case of service member family leave). If the employee's request for an extension is denied and the employee fails to return to work, the employee will be subject to termination.

#### Status Reports during Leave

During leaves under this policy, an employee must periodically report on their medical status and intent to return to work no later than every thirty (30) calendar days.



## St. Johns County Administrative Code

### Section: Personnel

#### **408.2 Military Service Leave**

Employees who require time off work to fulfill military obligations will be treated in accordance with the applicable state and federal law and shall notify their supervisor of upcoming military duty by providing them with a copy of orders as soon as possible.

#### **Short-Term Military Training**

An employee who is a member of the United States Armed Forces Reserves, or National Guard, shall be, after presentation of official orders, entitled to a leave of absence from their position without loss of pay, time or efficiency rating during the period in which the employee is engaged in annual field training, coast defense exercise, or other active duty or training exercises. Such leave with pay shall not exceed that allowed by Statute. A copy of the employee's official orders or appropriate military certification must be presented to the employee's immediate supervisor who shall ensure that it is filed in the employee's personnel file. An employee's written request for military training leave should be made as soon as possible in advance of the leave and shall specify the date for such training period.

#### **Examinations for Military Service**

An employee who is ordered by the Selective Service Board to appear for an examination for induction into the military service shall be granted leave with pay for such a purpose after presenting a copy of such orders to their immediate supervisor.

#### **408.3 Bereavement Leave**

An employee may be granted up to three (3) days of bereavement leave with pay when a member of the employee's immediate family dies. For purposes of this subsection only, immediate family is defined as the employee's spouse, child, stepchild, foster child, parent, parent-in-law, sibling, grandparent, and grandchild. The Assistant County Administrator has the authority to grant such leave for employee family members who are blood relative niece or nephew. Upon written request more than three (3) days bereavement leave may be granted, but only three (3) days shall be with compensation, unless the employee chooses to apply unused vacation leave credits towards the absence. Each employee must submit, if requesting bereavement leave due to death in the immediate family, a statement to their Department Director stating the name of the deceased individual, the employee's relationship to the deceased, and the date of death. In the event that the funeral is more than 500 miles from St. Johns County, five (5) days paid bereavement leave may be granted at the discretion of the Department Director.

#### **408.4 Administrative Leave**

##### **Court Time**

Employees who are summonsed to jury duty or subpoenaed will be granted administrative leave with pay during such absence. To be eligible to receive such pay, the employee must deposit with the Finance office any payment received from the State while serving in such a capacity. The County will not reimburse the employee for meals, lodging and travel expenses for having served as a witness or juror.

Employees subpoenaed or summonsed to represent a County department as a witness or defendant are not considered to be on administrative leave. Rather, their appearance in such case is considered part of the employee's job assignment. The employee will be paid per diem and travel expenses, if incurred. To be eligible to receive such pay, the employee must deposit any funds received from the court to the Finance office.



## St. Johns County Administrative Code

### Section: Personnel

Administrative leave with pay will not be granted for court attendance when an employee is engaged in personal litigation or when appearing as a witness in a case not involving St. Johns County. However, the employee may be granted vacation leave in such cases after obtaining approval through their chain of command via the Leave Request form.

#### Voting

Employees may be granted one (1) hour of administrative leave with pay for the purpose of voting during normal working hours. Employees shall not be granted administrative leave to work the polls during elections.

#### Leaves of Absence

Except for leave taken by eligible employees under the Family Medical Leave Act, leave of absence is any authorized extended absence from work without pay for a period not to exceed six (6) calendar months, provided the County deems such leave to be justified and not detrimental to the operation of the department to which the employee is assigned. Employees on such leave in excess of five (5) working days during any pay period will not be eligible for merit salary advancements and will not be granted salary increases of any type. Furthermore, employees placed on a leave of absence without pay are in non-pay status and are not eligible to receive payment for holidays. Employees on unpaid leave will not be entitled to continue to accrue paid leave benefits, including employees that are receiving income replacement such as short-term disability, long-term disability or Workers' Compensation. Personal leave of absence is intended to be used for health, education, or extenuating and or extraordinary personal reasons.

Employees on a leave of absence without pay must notify the Personnel Services Department and their immediate supervisor of their intention to return to work at least seven (7) calendar days prior to their return date. Failure to return from a leave of absence on or before its expiration date or accepting other employment during a leave of absence shall be considered a voluntary separation of employment. Upon return from leave, all reasonable efforts will be made to place the employee in their former position.

#### **408.5 Exempt Leave**

Subject to certain exceptions, exempt employees shall receive their full weekly salary for any week in which the employee performs any work, without regard to the number of days or hours worked. Exempt employees who believe their salary has been improperly reduced should address the matter promptly with their manager or the Personnel Services Director. If it is confirmed that an improper deduction has been made, the employee will be promptly reimbursed for the amount improperly deducted.

Employees in an exempt classification status may be authorized to use exempt leave at their Department Director's discretion. This type of leave is a paid leave and may not be used in conjunction with any other type of leave. This leave shall not be deducted from exempt employee leave accounts and must be approved on a standard leave request form prior to use. Department Directors shall not delegate the approval of this type of request to anyone.

#### **408.6 Vacation**

Vacation with pay shall be granted to regular full time and regular part time employees. The amount of vacation which an employee accrues depends on their status and length of service.



**St. Johns County Administrative Code**  
**Section: Personnel**

| Years of Continued Service    | Length of Vacation Each Year | Vacation Hours Accrued Per Pay Period |
|-------------------------------|------------------------------|---------------------------------------|
| 0 year - less than 3 years    | 10 working days a year       | 3.0770                                |
| 3 years - less than 10 years  | 15 working days a year       | 4.6160                                |
| 10 years - less than 15 years | 20 working days a year       | 6.1540                                |
| 15 years - less than 20 years | 25 working days a year       | 7.6930                                |
| Over 20 years                 | 30 working days a year       | 9.2307                                |

Effective January 1, 1997, employees hired on or after this date will accrue vacation according to the following schedule:

| Years of Continued Service | Length of Vacation | Accrual Rate |
|----------------------------|--------------------|--------------|
| 0 year through 3 years     | 10 days            | 3.0770       |
| 4 years less than 10 years | 15 days            | 4.6160       |
| 10 years or more           | 20 days            | 6.1540       |

Computing Vacation Pay

Pay for vacation is based on the employee's rate of pay at the time of their vacation and is computed on a forty (40) hour workweek. Vacation shall be accrued based on years of continuous service including periods of paid absence time. Authorized leaves of absence without pay, in excess of twenty (20) working days and period of layoffs, shall not qualify as continuous service time.

Unused vacation may be accumulated to a maximum of thirty (30) days (240 hours) annually, with the exception of Senior Management and 24/48 personnel. Vacation during any pay period is credited to the employee on the last day of the pay period, or in the case of separation, on the last day the employee is on the payroll.

Employees may accumulate leave above the maximum hours but on the last pay period in the calendar year, vacation leave balances will revert to 240 hours for regular class employees and excess leave will be forfeited.

Employees who move from one Board of County Commission position to another Board of County Commission position will retain their accrued vacation leave balance, provided there is no break in employment.

Use of Vacation

The County will endeavor to grant the employee's preference as to dates of vacation; however, the approval of requested vacation dates shall be at the discretion of the Department in order to maintain effective operations.

Vacation should be used to provide a periodic time away from work; however, earned vacation credits may be used for any purpose when authorized by the employee's Department Director or designee. Use of vacation is not authorized prior to the time it is earned and credited to the employee, and may only be used with the prior approval of the Department Director or designee.



## St. Johns County Administrative Code

### Section: Personnel

Regular class employees, who have been promoted or transferred into another Board of County Commission position, and who are placed back on an introductory/probationary status may use their available vacation leave hours while in such a status.

#### Payment for Accrued Vacation

Regular status employees who leave the employment of the County as a result of a voluntary resignation, retirement or layoff shall be paid for unused accrued vacation up to thirty (30) days (240 hours). Only Senior Management and 24/48 personnel will receive payment for accrued vacation in excess of 240 hours. If an employee fails to give their Department Director or designee at least two (2) weeks notice prior to resigning, or if the employee is discharged by the County, the unused vacation payment will be forfeited unless otherwise determined by the County Administrator. In case of an employee's death, payment for unused vacation at the time of death is made to the employee's estate, or as provided by law. Employees who terminate their employment before completing the introductory period forfeit all accrued vacation leave.

At the discretion of the County Administrator employees who have completed one (1) year of employment may be paid up to a maximum of forty (40) hours of their vacation leave per fiscal year for emergency situations.

Employees who contribute pre-tax dollars to their FSA account and have been reimbursed more than what has been deducted from their pay prior to separation shall refund the County from their accumulated vacation and/or sick balance prior to their final pay.

#### 408.7 Holidays

Official holidays observed by St. Johns County:

|                                                         |   |                           |
|---------------------------------------------------------|---|---------------------------|
| New Year's Day                                          | - | January 1st               |
| Dr. Martin Luther King, Jr.'s Birthday                  | - | 3rd Monday in January     |
| President's Day                                         | - | 3rd Monday in February    |
| Good Friday                                             | - | Friday before Easter      |
| National Memorial Day                                   | - | Last Monday in May        |
| Independence Day                                        | - | July 4th                  |
| Labor Day                                               | - | 1st Monday in September   |
| Veteran's Day                                           | - | November 11th             |
| Thanksgiving Day                                        | - | 4th Thursday in November  |
| Thanksgiving Friday                                     | - | 4th Friday in November    |
| Christmas Eve                                           | - | December 24th             |
| Christmas Day                                           | - | December 25 <sup>th</sup> |
| Any other day the Board of County Commissioners declare |   |                           |

- Holidays falling on a Saturday are observed on the preceding Friday. Holidays falling on a Sunday are observed on the following Monday.
- In order to be eligible to receive holiday pay, all employees are required to work their regularly scheduled hours the workday preceding and workday following the holiday. An approved vacation day or any other excused and paid day off is considered a day worked for purposes of holiday pay eligibility.



## St. Johns County Administrative Code

### Section: Personnel

- Employees who work less than a forty (40) hour workweek will only be paid holiday pay (number of hours normally scheduled to work – not to exceed eight (8) hours) if the offices are closed on the holiday which would be their normal workday.
- Full time employees shall be paid no more than eight (8) holiday hours for all holidays approved by the Board.

#### **408.8 Birthday**

Full time employees are granted one (1) paid day off (eight (8) hours) per year. This day may be taken at anytime in the fiscal year but may not, under any circumstance, be carried forward into the following fiscal year.

#### **408.9 Sick Leave**

Sick leave shall be considered an earned benefit. Full time employees who are not in a temporary status and who are paid on a regular basis are credited with 3.6960 hours of sick time every pay period (eighty (80) hours of work). Employees may accumulate up to 1200 hours of sick leave credits.

- Part time employees who work a percentage of a forty (40) hour week earn sick leave credits on a prorated basis.
- Employees who work less than a full pay period due to initial employment or separation during a pay period, transfer between departments, or are on a leave of absence without pay, earn sick leave credits for hours worked on a prorated basis.
- Employees on a leave of absence with pay continue to earn sick leave credits.
- Sick leave earned during any pay period is credited to the employee on the last day of that pay period, or in case of separation, on the last day the employee is on the payroll.

#### **Use of Earned Sick Leave**

The use of sick leave is not authorized prior to the time it is earned and credited to the employee, and may only be used with the approval of the employee's Department Director or designee. The employee must complete the six (6) month introductory period prior to using accrued sick leave. Regular class employees, who have been promoted or transferred into another County position, and who are placed back on an introductory/probationary status may use their available sick leave hours while in such a status. The employee's Department Director or designee may require a physician's certificate upon the employee's return to work.

Except for leave taken by eligible employees under the FMLA, sick leave may be authorized for the following purposes:

- The employee's own personal illness, injury or exposure to a contagious disease which would endanger others.
- The employee is a patient in a hospital or convalescent or nursing facility.
- The employee has scheduled a medical, dental or related appointment.
- For care of the employee's immediate family (spouse, children, mother, father) who is ill and/or convalescing.
- When an employee who has reported for work, but in the judgment of the supervisor is unable to work due to disease, illness or injury.

#### **Notification of Use**

Employees must notify their immediate supervisor of any planned use of sick leave as soon as they are aware of the need, but no later than the first hour of the first day of the employee's absence. Employees are expected to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as to not



## St. Johns County Administrative Code

### Section: Personnel

unduly disrupt the County's operations. After a request for use of accrued sick leave has been made to the employee's supervisor, the Department Director or designee may require the employee to certify that the absence was for an authorized sick leave by submitting a physician's note upon return to work. After three consecutive workdays of absence, the Department Director or designee may require medical certification from the employee's physician before authorizing any additional use of sick leave credits by the employee. In addition, the Personnel Services Department must be notified after an employee has missed three (3) consecutive workdays in order to determine FMLA eligibility.

If the employee is unable to return to work after all sick leave has been exhausted, the employee may use accrued vacation before being placed in a leave without pay status. An employee who becomes ill while on approved annual leave shall be allowed to use accrued sick leave credits to cover the period of illness. Employees who move from one Board of County Commission position to another Board of County Commission position will retain their accrued sick leave balance, provided there is no break in employment.

#### Forfeiture of Unused Sick Leave

Employees who separate from the County with less than six (6) years of creditable service, forfeit, and are not paid for, unused sick leave. Employees who have completed six (6) years of creditable County service forfeit, and shall not be paid for, unused sick leave if their employment is terminated.

Employees are paid for unused sick leave when they have completed more than six (6) years of creditable service and separate from County for reasons other than discharge or death. They are compensated at their regular hourly rate of pay for one fourth (1/4) of all unused accrued sick leave, not to exceed 300 hours. All such payments for unused sick leave will be made in a lump sum. This payment is not considered as a salary payment and will not be used in determining the average final compensation of an employee in any County administered system.

In the case of the employee's death, payment for accrued sick leave will be made to the employee's estate or as otherwise provided by law.

#### County Urgent Care Clinic

As a benefit, the Urgent Care Clinic provides for urgent routine medical care (except on-the-job injuries) for employees, their dependents, and our retirees. The primary purpose of this benefit is to reduce medical costs for the County. Employees are encouraged to use this service in order to save on medical expenses and reduce lost work time. Employees will not be charged sick leave when using the Urgent Care Clinic if they return to work the same day. Employees who do not return to work the same day will be charged sick leave from the time they are discharged from the Clinic until they return to work.

#### **408.10 Sick Leave Pool**

Full time County employees who have completed one (1) continuous year of employment with the Board of County Commissioners may elect to participate in a Sick Leave Pool to have access to a source of additional sick leave (up to a maximum of twenty five (25) days – days are in eight (8) hour increments) when their accrued sick and vacation leave hours are exhausted. Sick Leave Pool hours may only be used in cases of illness, accident, or injury to self.

#### Administration

The County Administrator shall be responsible for the administration of the sick leave pool and may delegate general administration to the Personnel Services Department. Personnel Services will verify requests to use hours from the Pool and/or to inquire into alleged abuse of the use of the Sick Leave Pool. Additionally,



## St. Johns County Administrative Code

### Section: Personnel

Personnel Services will ensure that all employees eligible for participation in the Sick Leave Pool are treated consistently and equitably according to policy.

#### Membership

- 1) Participation in the Sick Leave Pool shall be voluntary.
- 2) Participating employees shall sign a Sick Leave Pool Agreement as part of membership.
- 3) Only eligible employees may join the Sick Leave Pool (see scope).
- 4) Employees must have accrued a minimum of eighty (80) hours of combined sick and vacation time to join.
- 5) Employees must donate a minimum of forty (40) hours of sick and/or vacation leave to the Sick Leave Pool to become active members.
- 6) Leave hours contributed by a member to join or remain active in the Pool are forever forfeited.
- 7) Members who use two hundred (200) Pool hours must contribute another forty (40) hours of sick and/or vacation to the Pool to renew membership.
- 8) Former members may re-join the Pool at any time by meeting the membership criteria.
- 9) Members may be required to donate additional hours to the Pool on an annual basis to maintain their membership.

#### Use of Pool Hours

- 1) Members may be entitled to use Sick Leave Pool hours only after depleting all accrued sick leave and vacation leave.
- 2) Members requesting Pool hours must not have worked for a minimum of five (5) continuous workdays due to the illness, accident, or injury.
- 3) Prior to authorizing the use of Pool hours, members, or someone on their behalf, must submit a licensed practitioner's statement of the illness, accident, or injury with the request form to the Personnel Services Department. Personnel Services shall review the request and determine if the request shall be granted. HIPAA information shall be protected and not released to committee members.
- 4) The maximum number of hours allowed to be used by each eligible member is 200 in a calendar year.
- 5) Members shall not be approved to use Pool hours for anyone but self.
- 6) Sick Leave Pool hours may not be used for absences relating to Workers' Compensation.
- 7) Un-used Pool hours shall not be transferred or converted to cash upon the member's transfer to a position not eligible for such benefit, transferred to another Constitutional office, upon retirement, separation (under any condition), or upon the members request to no longer participate in the Pool.
- 8) Sick Pool hours may not be used for intermittent leave.
- 9) Substantiated abuse of the use of the Sick Leave Pool may result in the revocation of membership and repayment of hours withdrawn.

#### **408.11 Parental Leave**

Parental leave may be granted to employees (male or female) for the birth of an employee's child. Parental leave may also be granted for adoption or foster care placement of a child. Accrued sick and vacation leave may be used while the employee is out on Parental leave. This leave shall not extend beyond twelve (12) weeks from the birth date or adoption/foster date of a child. The use of the Sick Leave Pool hours may be authorized for this type of leave.

Parental leave shall not run concurrently for parents of County employees who give birth, adopt, or foster child/children. Parental leave may be used by both County employees provided the leave (sick and vacation) runs consecutively with the other parent and does not exceed the authorized twelve (12) week total. Upon making a request for Parental leave, the employee may be required to provide documentation to support the



## St. Johns County Administrative Code

### Section: Personnel

birth or legal placement of a child. Parental leave is also protected by FMLA. Employees who have at least twelve (12) months of service and have worked at least 1,250 hours in the last consecutive twelve (12) months are eligible for this type of leave.

#### Job Protection and Returning to Work

FMLA protected employees will be returned to the same or equivalent position with equivalent pay, benefits and other employment terms, provided that medical documentation requirements have been met.

#### 408.12 Compassionate Leave

Compassionate Leave is a means to offset the financial challenges employees could experience in the event they exhaust their own leave balances. Approval for this type of leave is solely within the purview of the County Administrator subsequent to the recommendations from the appropriate Department/Division Director and the Personnel Services Department and is not appealable to the Board of County Commissioners. If such leave is approved, the employee taking the leave may receive donated vacation hours for pay, as provided for in this policy. The leave must be necessary in order to care for oneself or to serve as the primary caregiver to a family member (as defined in the FMLA) in situations that are based on medical necessity as documented by a certified medical care provider. Employees shall exhaust their Family Medical Leave prior to requesting a leave of absence. The combination of FMLA leave and any other type of leave may not exceed six (6) calendar months in a twelve (12) month period.

Every effort will be made to restore the recipient of this leave type to the same or equivalent position upon return to work.

#### Donors

- 1) Participation shall be voluntary.
- 2) Shall not be solicited, coerced, threatened or intimidated into donating hours to any employee.
- 3) Employees may participate as a donor after completing their initial six (6) month probationary period.
- 4) Donated vacation hours shall only be available to the qualified recipient identified on the donation form.
- 5) May donate any number of hours from their accrued vacation leave account (not to exceed 240 hours) but must do so in eight (8) hour increments.
- 6) Must have a minimum of forty (40) vacation hours remaining in their own vacation leave account after donating hours to an employee under this policy.
- 7) Shall not donate hours from their accrued sick leave account.
- 8) Un-used donated vacation leave shall not be returned to the donor.
- 9) Shall complete a donor form and submit to the Personnel Services Department to be used as a source document to transfer their vacation hours to the recipient's sick leave account.

#### Recipients

- 1) Must complete a leave of absence request form (if not on Family Medical Leave at the time of the request) and be approved for such leave prior to using (or continuing to use) donated vacation leave hours.
- 2) Must show proof of leave necessity at the time a leave of absence is requested. Documentation from the treating physician which states the absence is medically necessary shall be forwarded to the Personnel Services Department. Employees receiving donated leave must provide medical documentation every thirty (30) days to substantiate the continued need for leave donations.
- 3) Shall not directly or indirectly solicit, intimidate, threaten or coerce any employee into donating hours.
- 4) May not accrue sick or vacation hours while in a leave of absence status under this policy (Family Medical Leave is excluded).



## St. Johns County Administrative Code

### Section: Personnel

- 5) Shall not be entitled to merit salary increases or any other type of pay increase while in a leave of absence status under this policy (Family Medical Leave is excluded).
- 6) Must have exhausted all of their accrued sick and vacation leave and sick leave pool hours (if applicable) prior to using donated hours.
- 7) May only use a maximum of 1040 donated hours (if available) in any twelve (12) month period commencing the day a leave of absence was approved (the twelve (12) month period includes Family Medical Leave time taken before the additional approved leave period). Extensions may be authorized by the County Administrator if donated hours are available and the recipient remains in an approved leave of absence status.
- 8) Un-used donated leave shall be removed from the recipient's sick leave account on the day the employee returns to work.
- 9) Must notify the Personnel Services Department at least seven (7) calendar days prior to their return date.
- 10) Failure to return to work at the expiration of the leave of absence will be considered a voluntary separation from the County.