

SECTION VII

Employee Leave

A. POLICY

The Housing Authority of Fort Mill recognizes certain days of historic importance as official holidays and recognizes a need for a period of rest and relaxation during the year. A stated amount of vacation leave, based upon length of continuous service, is earned and credited each month to each regular full-time employee.

The following holidays are established:

HOLIDAYS

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25

When a holiday falls on Saturday or Sunday, it will be observed on the nearest regular working day, preceding or following the holiday or as specified by the Executive Director. Special holiday provisions may be designated by the Board of Commissioners.

All regular full time employees are eligible for holiday pay. Temporary and student employees are not eligible for holiday pay.

Any employee on leave of absence without pay or on Worker's Compensation is not eligible for holiday pay.

B. GENERAL LEAVE PROGRAM

The Housing Authority of Fort Mill utilizes a General Leave program for all full-time employees whereby an employee assumes full responsibility for directing and controlling their own leave to meet personal needs. General Leave may be used to cover the following types of leave:

- Employee's vacation leave
- Employee's personal medical leave
- Personal leave for other reasons

➤ Funeral leave

A new employee will be eligible to earn General Leave beginning the first full pay period following their date of employment. In the event an employee does not work or is paid for a minimum of 50 hours in a pay period, no hours will be earned towards General Leave.

The Division and/or Department Manager is responsible for approving all General Leave requests. General Leave may be taken in not less than sixty (60) minute increments. If an employee becomes sick in conjunction with a holiday and is absent from work the day before and/or the day after, he may charge the entire absence including the holiday to General Leave if he/she presents acceptable verification of said illness, otherwise the entire absence will be unexcused without pay. While on authorized General Leave with pay, an employee continues to accrue General Leave.

General Leave must be approved in writing, in advance by the employee's Department Head / Executive Director for absences which can be scheduled in advance giving a minimum eight (8) working hours notice. This naturally excludes employee's illness, funerals, etc. An illness call in excess of two days consecutively must provide a doctor's statement, otherwise disciplinary action may result. Vacations (one week or more) must be scheduled at least thirty (30) days in advance. Whenever possible, employees will be allowed to take their vacations at times convenient for them. However, in order to ensure continued smooth operations and the maintenance of a high level of quality in the delivery of services to the community, the Housing Authority reserves the right to limit the number of employees who may be absent from a given department at any one time.

Only those employees who are terminated for other than disciplinary reasons (i.e. reduction-in-force, resignation, retirement, termination at end of one year following commencement of disability or personal leave, termination due to inability to do the job, etc.) will be paid for accrued but unused General Leave where proper notice has been given. General Leave pay shall be calculated at the employee's prevailing rate at the time of termination. In the event of death, payment for unused General Leave will be paid to the surviving spouse or heirs.

The use of approved General Leave in advance as per the personnel policy will not be monitored in accordance with the performance evaluation. However, any called in absences in excess of two (2) over a twelve month period will be monitored in accordance with performance evaluations.

Basic Schedule for Earning General Leave

<u>Service Time</u>	<u>Annualized Earnings</u>
0-12 Months	12 days
1 year – 5 years	19 days
5 years – 10 years	22 days

10 years – 15 years	27 days
15 years – 20 years	30 days
20 years +	33 days

When an employee progresses into a higher service time period, the earnings schedule will be automatically adjusted. Accruals will be established on a payroll period. The accrual schedule has been implemented in accordance with the hours worked per week.

40 hours/week	2080 hours/year
---------------	-----------------

Regardless of the work schedule, all leave has been developed using a common percent variable:

<u>Service Time</u>	<u>Percent</u>	<u>Annual Earnings</u>
0-12 Months	4.615%	12 days
1 year – 5 years	7.31%	19 days
5 years – 10 years	8.46%	22 days
10 years – 15 years	10.38%	27 days
15 years – 20 years	11.54%	30 days
20 years +	12.74%	33 days

Breakdown of Accruals by Payroll:

Bi-weekly payroll

<u>Service Time</u>	<u>Accrual Rate</u>	<u>Hours Accrued</u>
0-12 Months	(12x8) / 26	3.70 hours
1 year – 5 years	(19x8) / 26	5.85 hours
5 years – 10 years	(22x8) / 26	6.77 hours
10 years – 15 years	(27x8) / 26	8.31 hours
15 years – 20 years	(30x8) / 26	9.23 hours
20 years +	(33x8) / 26	10.16 hours

Monthly payroll:

<u>Service Time</u>	<u>Accrual Rate</u>	<u>Hours Accrued</u>
0-12 Months	(12x8) / 12	8.00 hours
1 year – 5 years	(19x8) / 12	12.67 hours
5 years – 10 years	(22x8) / 12	14.67 hours
10 years – 15 years	(27x8) / 12	18.00 hours
15 years – 20 years	(30x8) / 12	20.00 hours
20 years +	(33x8) / 12	22.00 hours

Maximum Earnings Schedule for General Leave:

<u>Class</u>	<u>Hrs. Accrued in Sick Leave</u>	<u>Bank</u>	<u>Yrs. Service</u>	<u>Max General Leave</u>
A	0 – 480		0 – 5	1 ½ x Annual Earnings
B	481 – 960		5 – 10	2 x Annual Earnings
C	961 – 1440		10 – 15	2 ½ x Annual Earnings
D	1441 +		15 +	3 x Annual Earnings

The maximum allowed General Leave to accumulate will be based on the number of hours an employee has in the Sick Leave bank. It will not be based on the number of years of service. The number years of service is placed here so a person can see the number of years it takes to be employed, to accumulate the number of hours as listed in the sick bank, provided sick leave has not been used extensively. On January 1 of each year each employee's maximum General Leave schedule will be recomputed against the schedule listed above.

When an employee's General Leave accrual hours exceed the established maximum, the excess hours will be automatically transferred to the employee's Sick Leave bank. This transfer will only occur with any adjustments on January 1 of each year. Adjustments will only be made for increases, no decreases once the employee has attained the higher level of maximum amounts of General Leave. Should an employee leave employment during the year and the General Leave account is in excess of the maximum amount allowed in the General Leave Account, the employee will only be paid for the maximum amount allowed to have accumulated and the balance is transferred to the Sick Leave bank.

Sick Leave Bank

The Sick Leave bank provides an employee the opportunity to utilize accrued sick leave hours to cover the employee's absence due to personal illness. The Sick Leave bank cannot be applied towards any other types of absences. An employee who has been absent from work due to "personal illness" and has used General Leave for two (2) consecutive days, may then elect to use the General Leave or the Sick Leave bank for the third consecutive day and following for the duration until he/she returns to work. Absences applied against the Sick Leave bank will be reviewed in conjunction with the annual performance evaluation. A doctor's statement may at the discretion of the Executive Director be required for any period of sick leave in excess of three days. A doctor's statement may also be required when excessive sick leave is used in any quarter (per calendar year). Due to HIPAA privacy regulations the doctor's statement must be limited to the dates of care and expected date of return to work. No other medical information is permitted.

Payroll Record Keeping Procedures

At the time of initial adoption of the General Leave program (January 1) all existing sick leave accruals will be transferred into the Sick Leave bank and all existing vacation leave accruals will be transferred into the General Leave record. The employee's accrual rate schedule will be established in accordance with the General Leave Accrual Rate Schedule and the employee's General Leave Maximum will be established in accordance with the General Leave Schedule on January 1 of each year. The employee will receive a written notice defining the accrual rate and maximum schedule with the first payroll of each calendar year. When an employee takes time off, for any reason, the employee will be responsible for properly completing all record keeping leave / time sheet documents. All official employee records showing leave and/or pay classification will be maintained by the Executive Director or his/her designee.

C. BEREAVEMENT LEAVE

An employee bereaved by the death of an immediate family member shall be given leave with pay to attend the funeral and assist in making any necessary arrangements. Immediate family is defined to include husband, wife, father, mother, brother, sister, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandfather, grandmother, grandson, granddaughter, great grandmother, great grandfather, step-mother, step-father, step-brother, step sister, step-children, domestic partners and legal guardian.

1. Eligibility – All regular, full-time employees are covered by this policy upon hire.

2. Maximum amount of Leave – A maximum of three days bereavement leave shall be granted. Bereavement leave shall not be charged to an employee's general leave. All requests for bereavement leave must be approved by the Executive Director.

D. MATERNITY LEAVE

A female employee, who has been employed full-time at least one (1) year with the Housing Authority of Fort Mill and who gives at last three (3) months advance notice of her anticipated date of departure, length of maternity leave and intentions to return to full-time employment, may be granted maternity leave for a period not to exceed four (4) months for the purpose of pregnancy, childbirth, and the nursing of an infant. Return to duty must be accompanied by a release statement from the employee's attending physician. Accrued sick leave and vacation time may be used if additional time is needed.

Upon return to full-time employment, the employee shall be restored to her previous, or similar, position with the same status, pay, length of service credit, seniority, vacation time, sick leave, bonuses, advancement, or other benefits, if any, for which she was eligible on the date of her leave.

As the purpose of this provision is to promote and encourage bonding between a female employee and her newly born baby or adopted child, if the Housing Authority finds that the female employee has utilized maternity leave to actively pursue other

employment opportunities, or if the Housing Authority finds that the employee has worked part-time or full-time for another employer during the maternity leave period, then the Housing Authority of Fort Mill shall not be liable under these provisions for failure to reinstate the employee at the end of her maternity leave.

Maternity leave shall be without pay. The employee may, at her discretion, use all or none of her accrued general leave prior to taking maternity leave. The Housing Authority is not required to provide for the cost of any benefits, plans, or programs during the period of maternity leave unless it provides the cost of such benefits to all employees on leaves of absence without pay.

A female employee who is prevented from giving three (3) months advance notice because of medical emergency which requires that maternity leave begins earlier than originally anticipated, shall not forfeit her rights and benefits under these provisions solely because of her failure to give three (3) months advance notice.

E. MILITARY LEAVE

Any regular employee who has completed six (6) months of satisfactory employment, and who enters the Armed Forces of the United States, will be placed on Military Leave. The Executive Director shall approve military leave without pay when the employee presents his/her official orders. **An employee may use their General Leave if they choose to do so.** The employee must apply for reinstatement within ninety (90) days after release from active military duty. The U.S. Supreme Court in *King vs. St. Vincent's Hospital* (90-889) (December 16, 1992) determined that there is no limit on the amount of time an employee can be away from his/her job for military reservists duty and then return and invoke his/her rights to reemployment.

Any full-time employee who is a member of the United States Military Reserve Forces, National Guard, or any of the Armed Forces of the United States, will be granted military leave for any field training or active duty required (excluding extended active duty) pursuant to provisions in TCA 8-33-109. Such leave will be granted upon presentation of the employee's official order to the Executive Director. Compensation for such leave will be for a period not exceeding fifteen (15) working days in any one (1) calendar year, plus additional days as may result from any call to active state duty pursuant to TCA 58-106. Military leave with pay shall not be charged against the employee's accrued general leave or compensatory credits.

F. LEAVE WITHOUT PAY

1. Absence without proper authorization shall be considered leave without pay and may be considered sufficient cause for suspension or dismissal of the employee at the discretion of the Executive Director or the Board of Commissioners.
2. Leave without pay, where necessary, may be granted at the discretion of the Executive Director or the Board of Commissioners. A full time employee with at least one year of continuous service may request an unpaid leave of absence for a

period not to exceed 180 days for personal reasons as deemed permissible by the Executive Director with approval by the Board of Commissioners.

G. LEAVE FOR JURY AND ELECTION DUTY

It shall be the policy of the Housing Authority of Fort Mill to encourage employees to serve on a jury when called. The notice for jury duty must be provided to the Housing Authority. Regular salary will be paid to employees when serving on a jury.

Also, if the employee's services are not required by the court and the employee is dismissed by the court for the remainder of the day, then said employee will report to work as scheduled unless the employee's jury service exceeds three (3) hours during that day. When necessary, an employee may be granted up to three (3) hours to vote on election days. No charge will be made to any type of leave for this absence. Under the provisions of the Hatch Act, an employee may not be employed at the polls or otherwise take an active part in an election.

H. COURT WITNESS

If an employee is subpoenaed to court as a witness on a Housing Authority of Fort Mill matter no leave time will be charged. If subpoenaed as a witness in a private matter, the employee must use general leave or take time off without pay.

I. EMERGENCY LEAVE

The Executive Director and the Board of Commissioners may authorize short leaves of absence under emergency conditions. If the employee has the general leave to cover such leave it may be charged to the employee's general leave. The Board of Commissioners or Executive Director may, if they deem it advisable, advance sufficient general leave to the employee to retain him in pay status, provided the employee remains on duty a sufficient length of time to earn the leave so advanced. In the event his employment should be terminated prior to his earning the advance, then the unearned amount shall be deducted from his final check. Emergency conditions normally will consist of, but will not be limited to, death in the family, or accident or injury to a family member expected to result in immediate death. In any event, the Executive Director and/or the Board of Commissioners will determine whether or not an emergency exists on an individual case basis. For emergency absences with respect to the Executive Director, the Board of Commissioners will rule. Leave benefits may be adjusted in an appropriate situation at the discretion of the Board of Commissioners.

J. INCLEMENT WEATHER LEAVE

In the event severe weather conditions warrant such action, the Executive Director has sole discretion to close the Housing Authority offices. The Executive Director will notify each supervisor of a decision to close the Housing Authority offices who must in turn notify each employee. Radio announcements may also be used to announce any closing of Housing Authority offices. Unless employees are notified individually of a closing they are expected and required to report to work. When weather

conditions appear to be so severe that an employee fears for his/her safety in traveling to or from the work site, he/she may be absent with leave if the following conditions are met.

- a. The employee informs their immediate supervisor of his/her absence and the reason for it as soon as possible.
- b. The employee reports to work immediately should weather conditions change allowing safe transportation to the work site.
- c. If an employee makes a personal choice because of his/her isolated situation due to inclement weather, they must request accumulated general leave for the time missed on the day of their return to work.

This policy is meant for those who are in immediate danger due to weather conditions only. Should any employee be found to be abusing this policy, they shall be subject to disciplinary action. The Executive Director shall make the final determination as to whether or not the office shall be closed for inclement weather.

K. TERMINAL LEAVE

1. General Policies and Procedures

a. Converting Annual Leave to Terminal Leave

Upon separation from the Housing Authority of Fort Mill, an employee may be eligible to convert terminal leave and receive pay for the unused portion of his/her general leave accumulation **unless he was involuntarily terminated from service.** When an employee is on terminal leave, he/she does not accrue additional leave of any type. At the discretion of the Executive Director, the employee may be paid in a lump sum for accrued leave or allowed to receive their accrued leave in accordance with established pay periods.

b. Accounting for Terminal Leave

1. Official Holidays - In establishing an employee's terminal leave period and in computing payment for same, credit is not allowed during the terminal leave period for official Housing Authority holidays. The employee will not be paid for any holidays falling within the terminal leave period, and the employee will be charged with leave on dates holidays occur.
2. Excused Absences - In establishing an employee's terminal leave period and in computing payment for same, credit will not be allowed during the terminal leave period for excused absences such as a date on which employees are excused from work because of extreme inclement weather; dates on which employee are excused in order to vote; and similar situations.

3. Beginning of Terminal Leave Period - In the event of termination or death of employee, the terminal leave period begins following the last full or fractional workday.
4. Determining Separation Date - When an employee is terminated, that last day of terminal leave shall be the official date of separation. If terminal leave balance does not extend through a full eight (8) hours on the official separation date, the employee will be paid for exact number of terminal hours due.
5. Payment to Estate in Case of Death - Any terminal leave entitlement due an employee shall, upon death, be paid to the employee's estate.

L. FAMILY AND MEDICAL LEAVE

Housing Authority of Fort Mill employees are eligible to request a personal leave of absence of up to twelve (12) weeks without pay after having completed one year of continuous service and worked at least 1,250 hours during the twelve months prior to your request for the leave of absence. Under the Family and Medical Leave Act (FMLA), you are entitled up to 12 weeks of unpaid leave during each 12-month period. The Housing Authority will calculate each 12-month period by a rolling method, which means that the 12-month period will be measured backward from the date an employee uses or requests any FMLA leave. This leave will be granted for one or more of the following reasons:

1. To care for your child after birth, or after placement of adoption or for foster care;
2. To care for your spouse, son or daughter, or parent who has a serious health condition; or
3. For a serious health condition that makes you unable to perform the functions of your job.

For purposes of the FMLA, a serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a. Any period of incapacity (i.e. inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore,

or recovery there from) of more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- b. Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- c. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- d. Any period of incapacity due to pregnancy, or for prenatal care.
- e. Any period of incapacity or treatment for such incapacity due to a chronic serious condition. A chronic serious health condition is one which:
 - 1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - 2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - 3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- f. Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- g. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself,

sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave. Further, conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headache other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Absence because of an employee’s substance abuse does not qualify for FMLA leave. However, leave taken for treatment of substance abuse by a health care provider or by a provider of health care services on referral of a health care provider may qualify if all requirements for a serious health condition are met.

Time away from work for work-related injuries (i.e., under workers’ compensation) or for maternity leave will apply toward an employee’s FMLA leave entitlement.

Absences falling under the FMLA are excused absences and do not effect seniority or vacation pay. Whenever work is scheduled on Saturday and/or Sunday while an employee is out on FMLA leave, this time away from work will not be charged for attendance purposes. FMLA applies to the normal workweek only, Monday through Friday, for a total of sixty (60) days (twelve (12) workweeks).

Employees may use any accumulated sick leave first, then any accumulated general leave, prior to taking unpaid leave under the Family and Medical Leave Act. Please be advised, however, that any leave, paid or unpaid, which qualifies as FMLA leave will count against an employee’s FMLA leave entitlement, including but not limited to leave taken under workers’ compensation or for maternity leave.

Ordinarily, you will be required to provide at least thirty (30) days notice of your intent to take a leave of absence when the need for the leave is foreseeable. Failure to do so may result in your being denied a leave of absence. As soon as you know you are going to be away from work due to an illness you have or due to sickness in your family (this applies to spouse, children, and parents only), you need to notify the Housing Authority. The Housing Authority of Fort Mill specifically reserves the right to require any employee who requests a leave of absence because of his or her own serious health condition, or the serious health condition of a spouse, child, or parent, to provide adequate medical certification substantiating the need for the leave. The Housing Authority further reserves the right to require a second or third opinion from a qualified health care physician to substantiate the need for a leave of absence when the leave is taken because of a serious health condition. An employee who takes FMLA leave for personal illness may also be required to submit a fitness for duty report from his or her treating physician when they return to work.

At the end of a qualified leave taken pursuant to this policy, you will be restored to your position, or an equivalent position with equivalent pay and benefits. However, this does not apply to all employees and you will need to contact the Housing Authority of Fort Mill to determine if you are qualified for reinstatement. During the

leave, the Housing Authority will maintain your health benefits to the same extent that it would have if you had not taken a leave of absence. However, if the employee is on leave without pay status, the Housing Authority will require the portion of premiums each month in advance. The Housing Authority shall also seek reimbursement if you fail to return to work after the leave of absence has expired. While on FMLA leave, you will be required to continue your payment of premiums for health benefits for which you are responsible prior to taking leave.

An employee may not hold other gainful employment while taking FMLA leave from the Housing Authority of Fort Mill. If an employee is employed elsewhere while on FMLA leave, the Housing Authority reserves the right to designate the leave as non-qualifying under the FMLA and take appropriate action.

This leave of absence is being provided to you in compliance with the Family and Medical Leave Act of 1993. The Housing Authority of Fort Mill will comply with all of the requirements of this Act. To determine if you are eligible for the leave of absence or if you need additional information, please contact the Housing Authority.