

Davis County Human Resources Policies

Leave Benefits #140

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1.0 - PURPOSE: This policy explains the circumstances under which an eligible employee may use various types of paid and unpaid leave provided by Davis County.

Leave under the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), and Workers' Compensation, are covered under separate policies.

2.0 - DEFINITIONS: The following definitions are applicable to this policy:

Benefit-Eligible Employee – Employees hired into certain Davis County positions may be eligible for some or all County benefits. An employee who is eligible for health insurance solely under ACA regulations is not a Benefit-Eligible Employee. Benefit-Eligible positions are:

- Elected Officials
- Appointed Employee
- Full-Time Merit Employee
- Part-Time Merit Employee
- Limited-Funding or Limited-Duration Employee

Leave-Eligible Employee - An employee who has been hired or rehired into a Davis County position who is eligible to receive sick and vacation leave benefits. Seasonal, part-time,

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variable, temporary, and elected officials do not receive sick or vacation leave benefits. Leave Eligible positions are:

- Appointed Employee
- Full-Time Merit Employee
- Full-Time Non-Merit Employee (Limited-Funding or Limited-Time Employee)

3.0 - GENERAL GUIDELINES: The following guidelines apply to all types of leave unless otherwise noted in this policy:

3.1 Leave Use Increments - Leave accruals may be used in no less than 15-minute increments.

3.2 Leave Documentation - Davis County may require employees who utilize leave to furnish appropriate documentation supporting the need for the absence (i.e., military orders, medical documentation, obituary, etc.)

3.3 Absent Without Leave - Employees may not exhaust their leave accounts and be absent without pay, unless such absence is FMLA leave, military leave, or leave otherwise required by law or approved by the Administrative Officer. Other instances may result in disciplinary action.

4.0 – HOLIDAYS – The following days have been designated as holidays by the Davis County Commission. The Commission may designate other holidays as necessary.

Holiday Usual Day Observed

New Years' Day January 1

Martin Luther King Jr. Day 3rd Monday in January

Presidents' Day 3rd Monday of February

Memorial Day Last Monday of May

Juneteenth National Freedom Day June 19 *

Independence Day July 4

Pioneer Day July 24

Labor Day 1st Monday of September

Veterans' Day November 11

Thanksgiving Day 4th Thursday of November

Day after Thanksgiving Friday following Thanksgiving

Christmas Day December 25**

If a holiday falls on a Sunday, the following Monday will be observed as the holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

*Juneteenth is observed according to Utah Code 63G-1-301 (as amended in 2022 General Session legislation) and as noted on the County Holiday Calendar.

**When Christmas occurs on Tuesday, the preceding day (Monday, December 24) also will be observed as a holiday. When Christmas occurs on Thursday, the following day (Friday,

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December 26) also will be observed as a holiday.

4.1 Eligibility – Benefit-eligible employees are eligible for paid holidays. If an eligible employee is not scheduled to work on the day the holiday is recognized, the employee may take a different day off during the week, with the supervisor’s approval.

Full-time employees receive eight (8) hours of pay for each holiday. Eligible part-time merit employees receive six (6) hours of pay for each holiday. If a full-time employee is normally scheduled to work more than eight (8) hours each day, they must either work additional hours, or claim vacation or comp-time hours during the week, in order to fulfill their forty (40) hour workweek.

4.2 Employees Required to Work Holidays – FLSA non-exempt employees who are required to work on a paid holiday, as defined above, will have the option to be paid for the hours worked and receive holiday pay at their straight-time rate of pay, or to credit the hours worked into their comp-time leave. These hours added to the comp-time balance are calculated at straight-time and are then treated the same as other comp-time hours, as defined in the Time & Attendance policy #220.

FLSA exempt employees who are required to work on a holiday, as defined above, will be allowed to take future time off in lieu of the holiday. The time off must be taken within thirty (30) days from the holiday the employee was required to work. The time worked on the holiday and carried forward is not recorded, tracked, and taken on an hour-for-hour basis. Exceptions to this may be allowed for Sheriff’s Office exempt employees who are regularly scheduled to work on holidays. Time taken off must be scheduled and approved by the supervisor. Employees who work an overlapping shift which commences on a holiday, and who work a full shift, will be considered as having worked a holiday. The same rule applies to eligible part-time employees who work overlapping shifts.

5.0 – VACATION: Paid vacation is a benefit provided to leave eligible employees. Each eligible employee will accrue vacation leave on a pay-period basis as indicated in the table below. Vacation leave does not accrue when leave without pay is granted.

Benefitted Years of Service	Hours Accrued Per Pay Period
0 - 5 years (60 months)	4.00
6 - 10 years (120 months)	4.93
11 - 15 years (180 months)	5.85

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5.1 Rehires – rehired will eligibility for accrual they had before their termination.

16 years and over (> 180 months)

6.77

Former employees assume the same vacation hours

5.2 Maximum Accumulation – Unused vacation leave may accrue up to a maximum of 360 hours (45 days) at the end of each year. After the processing of the last paycheck of the calendar year, any accrued unused vacation leave in excess of 360 hours will be forfeited.

5.3 Utilization – Employees are allowed to use vacation leave any time after it has been accrued, with supervisor approval. Employees are not eligible to take vacation leave in advance of its actual pay period accrual. Approval of vacation leave is to be determined by the supervisor by balancing the employee's requests and the needs of the department and of the County. Saturdays, Sundays, and holidays occurring during a period in which leave has been granted will not be charged against accrued vacation leave, except if the employee was scheduled to work that day.

5.4 Change in Status – When employees transfer from one County department to another, their accrued vacation leave credit is not forfeited. Employees whose merit status changes to part-time, or another position which is ineligible for vacation leave, will have their vacation accruals paid out and their accrual rate frozen. If the employee returns to a merit status eligible to accrue vacation leave, the accrual rate will be reinstated.

5.5 Termination – Employees terminating from County service will be paid for their remaining balance of vacation leave, calculated at their rate of pay upon termination.

5.6 Recruitment Incentives – In some situations, the Commission may award an upfront one time vacation allowance of up to 40 hours as a recruitment incentive. Any request for an upfront, one-time vacation allowance needs to be done as part of the hiring process. Contact your HR Generalist for options and to initiate the approval process.

5.6.1 New employees hired (including appointed) into a senior administrative position, including Director, Deputy Director, Assistant Director, or Chief Deputy, may receive an annual contribution of 80 hours of incentive vacation leave. This leave must be used each year and remaining balances do not carry forward at the end of each calendar year.

6.0 - SICK LEAVE: Sick leave should be considered as a privilege rather than an obligation of the County to its employees. Paid sick leave is a benefit afforded to leave eligible employees. Sick leave may be used under the following circumstances:

- When an employee is sick or disabled and cannot perform normal job duties
- For medical or dental appointments

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- To care for the employee's dependent child, parent, spouse who is ill
- While on an approved FML absence

6.1 Accumulation – Eligible employees accrue sick leave at the rate of 3.70 hours each two week pay period. Sick leave hours may accumulate without a maximum. Sick leave will not accrue when leave without pay is granted.

6.2 Utilization – Employees are eligible to use sick leave any time after its accrual. However, in order to qualify for sick leave payments, employees must notify their supervisor no later than one (1) hour before normal starting time on each day of absence, unless circumstances surrounding the absence make such notification impossible. The supervisor should also be kept advised of the employee's progress and expected date of return to duty. Any absence for illness that extends beyond accrued sick leave will result in the employee's vacation leave and then compensatory time, if applicable, being used before leave without pay. A total of twelve (12) weeks of FMLA leave for qualified absences is allowed. See Davis County FMLA Policy #155.

Administrative Officers or supervisors may direct an employee to leave the workplace if there is a concern for the health of the employee or for those with which the employee may come in contact.

6.3 Change in Status – Employees whose eligibility to receive sick leave changes, i.e. from full time to part-time or another status ineligible for sick leave, will have their sick leave balances maintained in their personnel records but shall not be eligible to use the leave. If the employee returns to a position which is eligible to accrue sick leave, their sick leave balances will be restored and available for use.

6.4 Sick Leave Incentive Program – Eligible employees who have a balance of at least 120 hours of sick leave at the beginning of the sick leave year are eligible to participate in the sick leave conversion program. Only those employees who maintain at least 120 hours of sick leave during the entire sick leave year will be eligible for a conversion of up to one-third of the sick leave accrued and not used during the sick leave year. Up to one-third of the unused sick leave accrued may be converted to a commensurate amount of pay, vacation, or contribution to a URS savings plan, or Health Savings Account (HSA). The conversion compensation shall be based upon the regular base pay of the employee's position and will not include premium pay and other temporary compensation.

For purposes of this program, the sick leave year begins in November and the incentive will be paid on the payroll preceding Thanksgiving. Eligible employees planning to convert their unused sick leave must notify Human Resources in writing by the specified deadline.

In calculating the conversion provided by this option, at the end of the sick leave year, only the unused portion of the sick leave hours accrued during the previous twelve (12) months is eligible. Sick leave hours accrued in previous years are not eligible for conversion. After subtracting the converted sick leave hours, the remaining unused annual sick leave will be

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carried forward for future use. The minimum amount eligible to convert is three (3) hours.

6.5 Sick Leave Accrual Payout – Upon termination, an employee who wishes to receive a payout for accrued sick leave must notify HR before leaving employment. In order to be eligible, an employee must meet one of the following criteria:

6.5.1 Retirement Eligible - An employee who meets the retirement guidelines of the Utah State Retirement System (URS) who applies, and is approved to receive retirement payments, will be eligible to be paid for one-third (1/3) of remaining unused, accrued sick leave. The employee has the option to convert the leave to a commensurate amount of pay, a contribution to a URS savings plan, a Health Savings Account (HSA), or a County trust designated for retiree benefits.

6.5.2 Ten Consecutive Years of Service - Employees who terminate employment with ten (10) or more consecutive years of full-time service with Davis County will be eligible to be paid for one-third (1/3) of remaining unused, accrued sick leave. The employee has the option to convert the leave to a commensurate amount of pay, a contribution to a URS Savings plan or a Health Savings Account (HSA).

6.5.3 Change in Status - Employees who change from full-time after ten (10) years of service, to part-time status, and remain employed will also be eligible for a Sick Leave Accrual Payout. Employees who are dismissed in accordance with the Corrective & Disciplinary Action Policy #250 are not eligible for this benefit.

7.0 - BEREAVEMENT LEAVE: Davis County may grant bereavement leave with pay to any leave eligible employee who suffers the loss of a member of the immediate family, a relative, or a close friend. In the event of death in any of these instances, the County will provide an employee with paid leave for bereavement, including attendance at a funeral, memorial service, or related event(s). Bereavement Leave will not be paid, or additional days granted, for regular days off and holidays occurring during a period in which bereavement has been granted.

7.1 Immediate Family – The immediate family is defined as wife, husband, domestic partner, child (including miscarriage or stillbirth per Utah Code 17-33-5 as amended), mother, father, brother, sister, mother-in-law, father-in-law, grandmother, grandfather, grandchild, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepchild, stepmother and stepfather.

7.1.1 Domestic partner – an unrelated or unmarried person who shares common living quarters with an employee and lives in a committed, intimate relationship that is not legally defined as marriage by the state of Utah.

7.2 Paid Leave – In the event of death, an eligible employee may be granted paid Bereavement Leave as follows:

7.2.1 Death in the immediate family – Full-time employees may take up to five (5) working days off and be compensated for the lesser of 40 hours or five working days for

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Bereavement Leave, from the time of death through the second working day following the funeral, memorial service or related event. Part-time merit employees may be compensated for Bereavement Leave on a pro-rated (75%) basis. In most situations, leave should be used continuously; however, in extenuating circumstances, employees may be permitted to use Bereavement Leave in separate periods of time.

7.2.2 Death of other relatives or close friends – Paid Bereavement Leave time off for attending the funeral, memorial service or related event for an aunt, uncle, niece, or nephew, may be allowed for one (1) day, or other relatives or close friends, for a maximum of three (3) hours.

8.0 CATASTROPHIC SICK LEAVE BANK – The County manages a Catastrophic Sick Leave Bank from which eligible employees may draw leave under the conditions and restrictions outlined. Employees who wish to participate in the catastrophic sick leave bank program are required to contribute eight (8) hours of their available sick leave or vacation leave to the bank. The contribution must be made each year during the insurance open enrollment period, as designated by the County, by completing and submitting the appropriate form to the Human Resources Department. If the bank has a substantial balance of days remaining prior to the open enrollment period, the Human Resources Director may suspend the contribution requirement for one year.

Any employee who did not previously participate in the bank but who desires to participate during the non-contribution year is required to donate eight (8) hours of accumulated sick or vacation leave to initiate eligibility by submitting the appropriate form to the Human Resources Department during the insurance open enrollment period, as designated by the County.

8.1 Eligibility – Non-probationary employees who are leave eligible and who have contributed to the bank are eligible to request catastrophic sick leave, to be taken once they have depleted their accrued comp-time, sick leave, and vacation leave.

8.2 Requests for Use of the Bank – All requests for sick leave from the bank must be in writing and must be addressed to the Human Resources Director. Requests may be submitted and approved any time after the required leave has been contributed. The requests must include the reasons for the request, written verification from the attending physician indicating the nature and severity of the illness or health problem along with the projected recovery date, and the number of sick leave days requested. The Human Resources Director will make final decisions regarding the requests and reserves the right to approve requests, deny requests, or to approve only a portion of the leave days requested.

8.3 Criteria for Consideration – Only severe extended illnesses, organ donations, and catastrophic medical problems of eligible employees will be considered for leave withdrawals from the bank. Requests will also be considered from eligible employees providing necessary care to their spouses, dependent children, or parents with catastrophic medical problems.

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Injuries and illnesses that are compensable under the Workers' Compensation Act are not eligible for catastrophic sick leave. Illnesses or medical problems of a short-term nature will not be considered. Life-threatening illnesses, organ donations, or severe accidents requiring extended recovery periods will be given first priority.

8.4 Maximum Use – Withdrawals from the bank cannot exceed sixty (60) leave days per employee during any consecutive twelve (12) month period for the employee's own illness or injury. In addition, bank withdrawals cannot exceed this sixty (60) day maximum for the same illness, medical condition or recovery. Catastrophic leave cannot be granted in situations where granting such leave would extend an employee's absence beyond the twelve (12) week limit provided in the County's Family and Medical Leave Policy #155.

Bank withdrawals cannot exceed ten (10) leave days per employee during any consecutive twelve (12) month period for providing care to the employee's spouse, dependent child, or parent.

8.5 Restrictions and Exclusions – When granted, catastrophic sick leave compensation will be based on base pay and excludes premium pay, shift differential pay, and other additional compensation. The catastrophic sick leave bank cannot be overdrawn. If insufficient days are available in the bank to cover withdrawal requests, the requests will be denied regardless of severity or need. Employees who cancel their participation in the bank are not eligible to withdraw the leave they have contributed to the bank. Employees who receive leave days from the bank based on falsified, untrue, or misleading requests and/or physician verifications may be subject to disciplinary action and will be required to reimburse the County for leave days granted and used.

9.0 - JURY AND WITNESS LEAVE: Every employee is entitled to be absent from work whenever, in obedience to a subpoena or direction by a proper authority, they appear as a witness or a juror for the Federal Government, State of Utah or a political subdivision thereof. In addition, leave to appear as a witness may also be approved if the matter is related to employment. An employee who is absent from work for jury duty must notify their supervisor in advance. Travel time required for going to and returning from jury or witness duty is considered to be an approved absence.

9.1 Paid Leave – During such period of required absence, the employee will be eligible to receive County compensation and must turn over any pay or fee (excluding traveling expense allowance) received from services as a witness or juror while on County time. Any income earned and received from jury or witness duty while on County time shall be turned over to the Clerk/Auditor Office for reimbursement to Davis County. Davis County will not compensate employees for jury leave unless previous notification is given.

9.2 Unpaid Leave – Time absent by reason of subpoena for private litigation or by some party other than the Federal Government, State Government, or a political subdivision thereof, to

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testify not in official capacity but as an individual and not in a work-related official capacity, must be taken as vacation leave, compensatory time, or leave-without-pay.

10.0 – NON-FML MEDICAL LEAVE REQUESTS: On occasion, the Human Resources Director may consider and approve employee requests for leave which do not meet the criteria for FML. Requests may include leave for situations involving life-threatening medical conditions, severe extended illnesses and recoveries of the employee, the employees' adult children or the employees' grandchildren who require care. In these circumstances, the use of sick leave cannot exceed ten (10) days.

11.0 - MILITARY LEAVE: Davis County recognizes its responsibility to support employees who are also engaged in military service.

11.1 Paid Leave for Training – Merit employees will be granted leave with full pay for active service in the National Guard or Armed Forces Reserves for the purpose of fulfilling annual field training. Employees participating in this training must submit appropriate written orders as evidence of such duty to their Administrative Officer. Military leave with pay will not exceed ten (10) working days (80 hours) in any one calendar year. All military leave taken must be reported on biweekly payroll time records.

11.2 Unpaid Military Leave – Leave-without-pay will be granted to merit employees who voluntarily enlist, are drafted into or are called into active service in any branch of the Federal armed forces. Employees granted such leave of absence retain reemployment rights and other statutory benefits specified in Federal and State statutes during the period of active military duty. Reemployment rights and other statutory benefits are not retained if the absence exceeds five years unless the employee is involuntarily retained in military service, including initial enlistments lasting more than five years, periodic training duty, involuntary active duty extensions and recalls, especially during a time of national emergency. Employees on active military service are deemed to be on a furlough or leave of absence and are entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.

11.3 Benefits – Employees on active military leave will receive retirement contributions and credit towards leave vacation accrual rate increases upon the employee's return to work. Employees on active military leave are not eligible for health insurance after 30 days. Family members can remain on health and life insurance if the employee's portion of premium is paid. Vacation leave and compensatory time, can be used to fund the employee's portion of benefit premiums. COBRA rights also apply to health and dental insurance. Employees are encouraged to meet with Human Resources prior to their leave to discuss plans and expectations.

11.4 Return from Military Leave – For service less than thirty-one (31) days, the employee must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period.

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For service of more than thirty (30) days but less than one hundred eighty-one (181) days, the employee must submit written notice for reemployment within fourteen (14) days of release from service.

For service of more than one hundred eighty (180) days, written notice for reemployment must be submitted within ninety (90) days of release from service.

Employees returning from active military leave will be:

- Restored to the same position or to an equivalent position
- Retain all accrued and unused leave to which the employee was entitled immediately prior to the commencement of active military service less (minus) any leave used while on active military service, if any; and
- Receive and earn benefits and compensation at a level not less than that to which the employee would have been entitled had there been no absence due to active military service.
- If the employee's eligibility date passed while the employee was on active military leave, the rate of pay will be increased by the percentage corresponding to the last performance appraisal rating received before active military service.
- A 401(k) match will be made if the employee contributes to a URS savings plan covering the period of absence. Employee 401(k) contributions can be made over three times the period of military service but no longer than five (5) years.

Nothing in this policy will serve to extend a period of employment beyond that to which the employee was appointed. For example, if an employee is hired for a time-limited position this policy does not extend the duration of the employment. If the employee declines two (2) consecutive offers for position vacancies, reinstatement rights may be canceled by the County Commission.

If, due to a service connected disability or for some other reason, an employee is not qualified to perform all the duties of their former position, a reasonable effort will be made to place them in the closest comparable position for which they are qualified. Employees convalescing from injuries received during service or training may have up to two (2) years to return to their jobs.

11.5 Probationary Period – Employees on an initial probationary period must satisfy the probation upon return from military service to retain employment.

12.0 - MISCELLANEOUS LEAVE REQUESTS: Merit employees may request leaves of absence not to exceed one year for educational pursuits, travel, or for other reasons within the discretion of the Commission. Such leave will not be regarded as an acquired right by employees and will be considered only when County services will not be adversely affected.

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12.1 Upon request to the County Human Resources Director and with the approval by the Commission, an Administrative Officer may grant an employee leave without pay for a specified period of time. (This approval is not required for unpaid military leaves, which are governed under the preceding Military Leave provisions.) An employee who fails to report for work promptly at the expiration of such leave will be considered to have resigned.

12.2 Employees in leave without pay status for a period of time greater than thirty (30) days will have their eligibility date adjusted for the amount of calendar days while in leave without pay status. An employee in leave without pay status will not receive any County benefits during such leave. However, employees desiring insurance coverage during a leave without pay period may receive such coverage if the necessary arrangements are made beforehand with the Human Resources Department. These employees must pay the entire insurance premium for the duration of leave without pay.

13.0 - PAID ADMINISTRATIVE LEAVE: Employees may be placed on paid administrative leave due to an investigation, discipline, or for organizational needs. The duration of paid administrative leave should be as short as possible. While on paid administrative leave, employees are expected to take no action or represent themselves as employees of Davis County. Employees are expected to be available for work and must respond to voice messages within 30 minutes and be able to respond to a designated location within two (2) hours. Employees are also expected to comply with the other terms of the paid administrative leave as outlined in the Administrative Leave Notification letter.

14.0 - RELIEF LEAVE: Relief leave may be granted when an employee is involved in an incident that may cause severe mental strain. These situations include the use of deadly force or other actions required by the employee's position. Administrative Officers seeking to relieve an employee of work should request approval of relief leave through the Human Resources Director. Employees relieved of duty will retain all rights of employment due them and will receive pay as if they had worked.

15.0 - SPECIAL EDUCATION/TRAINING: Upon authorization of the County Commission, an employee may be paid when approved to attend a specialized education/training session or to attend to official County business away from the County. The County Commission may authorize all necessary expenses to be paid by the County.

16.0 - PARENTAL LEAVE: The County provides up to four weeks (per rolling calendar year) of paid parental leave for full-time employees who have been employed for at least six months at the time of the birth of their child, or the placement of a child under the age of 18 in their care through adoption or foster care. This leave benefit excludes the adoption of a grandchild or a spouse's child unless an exception is authorized by the employee's Director and Director of Human Resources.

Approved parental leave must be taken within one year of the birth, placement, or adoption.

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The leave time may be taken in intermittent daily intervals, or in consecutive days/weeks. Parental leave time does not accrue balances, does not carry over, and is not paid out upon termination. This leave will run concurrently with any leave time taken pursuant to the Family and Medical Leave Act (FMLA leave).

17.0 FAMILY MEDICAL LEAVE: the Family and Medical Leave Act (FMLA) ensures eligible employees are provided job-protected leave for qualifying events and restored to the same or equivalent position upon return to work.

17.1 – DEFINITIONS: The following definitions apply for Family Medical Leave:

Covered Family Member – An employee may receive Family and Medical Leave (FML) to provide care for a family member, as follows:

- A. An employee's spouse, parent or child under the age of eighteen (18) who has a serious health condition.
- B. The employee's son or daughter who is eighteen (18) or more years old and who is incapable of self-care due to a mental or physical disability that limits one or more "major life activities" as defined under the Americans with Disabilities Act.
- C. For military exigency leave if the employee is the spouse, parent, son, or daughter of a military service member in the Regular Armed Forces, National Guard, or Armed Forces Reserves on active duty or on notice of an impending call to active duty in support of a contingency operation deployed to a foreign country.
- D. For military caregivers, the employee is the spouse, parent, son, daughter, or "next-of-kin" of a covered military service member with a serious illness or injury received in the line of duty while on active duty, including a covered veteran who was discharged other than dishonorably at any time during the five-year period prior to the first day of FML.

Eligible Employee – An employee of Davis County who has met both of the following requirements:

- A. The employee must have worked for Davis County for at least 12 months. The 12 months need not be consecutive. Separate periods of employment will be counted if the employee's break in service does not exceed 7 years. However, separate periods of employment will be counted if the break in service exceeds 7 years due to military service.
- B. The employee must have worked at least 1,250 hours during the 12-month period immediately before the requested leave date.

FML Year – The FML year is a rolling calendar year that will begin on the first day of FML and continue for 12 months.

FML Year – Military Caregiver Leave - The FMLA provides military caregiver leave for up to 26 weeks during a single 12-month period after the requested leave date. The single 12-month period during which leave can be taken begins on the first date of covered military caregiver leave and ends 12 months later, regardless of the date used to determine the employee's 12 weeks of leave entitlement for other FMLA qualifying reasons.

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Qualifying Events – Events that qualify an employee for FMLA leave include, but may not be limited to, the following:

- A. The birth of a child, or to care for and/or bond with that child, within one year of birth.
- B. The placement of a child for adoption or foster care, or to care for and/or bond with the newly placed child, within 12 months of the event.
- C. The employee's serious health condition makes the employee unable to perform the essential functions of his/her position.
- D. To care for a covered family member with a serious health condition.
- E. Qualifying exigency while the employee's family member is on covered active duty or call to covered active duty status.
- F. To care for a covered service member with a serious injury or illness (military caregiver leave).

17.2 – EMPLOYEE RESPONSIBILITIES: An employee wishing to avail her/himself of FMLA job protections must request the protected leave, as follows:

- A. Employees will notify HR when leave is needed for a potential qualifying FML event. Forms to request FML are available on the Davis County Human Resources (HR) intranet site at Human Resources/Forms/Family and Medical Leave. FML request forms shall be submitted to HR and must include the reason for the leave and the anticipated dates the leave will begin and end. In most instances, a completed healthcare provider certification form must also be submitted. The information of the health care provider must be submitted in a timely manner and before FML can be approved.
- B. Employees shall provide at least 30 days' notice if the leave is foreseeable. If the leave is not foreseeable, the employee or the employee's spokesperson must give notice as soon as possible.
- C. Davis County may designate leave as FML when it has enough information to confirm an employee's absence is for a qualifying event. If supervisors become aware of an employee's need for FML, the supervisor should contact HR.

17.3 – SUPERVISOR RESPONSIBILITIES: A supervisor who becomes aware of an employee's need for FML shall do the following:

- A. Ensure the employee knows how to find FML request forms on the Davis County intranet. Any questions about the process should be referred to HR.
- B. If supervisors become aware of an employee's need for FML or an employee's absence for a qualifying reason, they must notify HR.

17.4 – FML ENTITLEMENT: With the exception of military caregiver leave, FML shall not exceed twelve (12) weeks during an FML year. If two employees request FML for the same qualifying event and are both eligible, they may both take the full 12 weeks of FML.

17.5 – FML ENTITLEMENT – MILITARY CAREGIVER LEAVE: The combined total of military caregiver leave and all other FML shall not exceed twenty-six (26) weeks for any employee during an FML year.

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17.6 – USE OF PAID LEAVE: Paid leave accruals, if available, will run concurrently with FML. Sick leave accruals will generally be used before vacation leave accruals. Employees may request to use accumulated compensatory time (comp time), to use their vacation before sick leave, and may request to preserve up to 2 weeks of vacation accruals and up to 2 weeks of sick accruals. Employees who qualify for FML but do not have accruals to cover any or all of their leave or have chosen to preserve vacation and/sick accruals may go into unpaid status. FLSA-exempt employees, with no leave accruals, may be reduced in pay while on FML without affecting FLSA status.

17.7 – CERTIFICATION: As noted above, in most instances the County will require medical certification(s) to support a request for leave. If the certification is not received within the requested time, the leave may be denied.

17.8 – INTERMITTENT LEAVE: As outlined by the health care provider, FML may be taken intermittently or continuously based on the need for any approved FML qualifying event. When the need for intermittent or reduced schedule FML is foreseeable, the employee must make reasonable attempts to arrange the leave schedule so as not to unduly disrupt the County's operations. Employees using intermittent leave must follow established call-in or notification procedures for their work group. An employee taking intermittent FML may be required to transfer temporarily to an available alternative position for which the employee is qualified. FML for birth of a child, adoption, or placement of a child may be used intermittently.

17.9 – BENEFITS WHILE ON UNPAID FML: The County will maintain an employee's health, dental, vision, and life insurance coverage at current participation levels during leave. The employee will be responsible for the employee's share of such benefits and must pay the premium as instructed. The County may deduct any such premium amounts from the employee's final compensation.

17.10 – RETURNING FROM FML:

- A. If FML is for the employee's serious health condition the employee will be required to submit a release to return to work notice from their medical provider at the time they return to work. Failure to provide a release-to-work note may delay the employee's return to work until the release form is provided. Under some circumstances as determined by Human Resources, a release to return to work is not needed
- B. Upon return from FML, the employee will return to the former position or an equivalent position in terms of pay, benefits, and working conditions. An equivalent position must have substantially similar duties, conditions, responsibilities, privileges, and status as the employee's original position.
- C. The County may take any personnel action/decision while the employee is on FML that would have occurred if the employee had continued to work. Examples of personnel actions/decisions include, but are not limited to the following: corrective or disciplinary action, workspace or location changes, or reduction-in-force. Depending on the circumstances, a supervisor may elect to postpone the personnel action/decision until the employee returns from FML.

Policy History:

- 1. Effective Date: November 28, 2023
- 2. Previous Version: May 1, 2013; February 5, 2019; March 29, 2022; August 29, 2023