



**Board of Commissioners
Agenda Item Transmittal Form
Policy Transmittal Form**

Type of Request: Amendment to the current PTO Policy		County Clerk Use Only Policy #:	
<input type="checkbox"/> Submission Information Contact Name: Toni Holmes Department: Talent Management		<input type="checkbox"/> Information Summary of Request: Amendment to the current PTO Policy, specifically annual accruals and donation of leave	
<input checked="" type="checkbox"/> Department Director /Elected Official Signature I have reviewed the attached, and it is approved as to substance. Signature: <i>J. G.</i> Date: 11/30/18		<input type="checkbox"/> Chief of Staff Signature I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____	
<input type="checkbox"/> County Attorney Signature I have reviewed the attached, and it is approved as to form. Signature: _____ Date: _____		<input type="checkbox"/> Director of Legislative Affairs/County Clerk Signature I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____	

Notes and Comments:

2018-513 C

EMPLOYEE PAID TIME OFF (PTO) POLICY
(Policy Effective 9/26/2015)

Section 1. Purpose

Paid Time Off (PTO) leave accrual is a benefit which allows eligible employees accrued time off from normally scheduled work without loss of income or benefit eligibility. PTO can be used for planned time off or related medical care of the employee or an immediate family member. For purposes of this policy "immediate family member" is defined as a spouse, child or parent, as stipulated under the Family and Medical Leave Act.

Section 2. Eligibility to Participate and Maximum Accruals

Regular full-time employees are eligible to accrue PTO, and regular part-time employees (20 or more hours) are eligible to accrue PTO at 50% of the full-time rate based upon years of service. Employees accrue PTO at rates described below while actively working. Employees do not accrue PTO while on paid or unpaid leaves of absence, e.g. leave without pay (LWOP), family medical leave (FMLA), extended leave, personal leave, donated leave status, etc. with the exception of employees on Workers Compensation. Employees on Workers Compensation may continue to accrue PTO for up to twelve (12) weeks, which should be added to their PTO total once they return to work. In all cases, normal PTO accrual will resume once the employee returns to active work status.

Accrual Rates for Regular Full-Time Employees (based on a 40-hour work week)

YEARS OF SERVICE	ANNUAL PTO RATES	ACCRUAL RATES/ PAY PERIOD
0 to <1	104 hours	4 hours
1 to <5	156 hours	6 hours
5 to <10	182 hours	7 hours
10 to < 15	208 hours	8 hours
15 to <20	234 hours	9 hours
20+	260 hours	10 hours

Employees of the Department of Fire and Rescue (suppression personnel only), accrue PTO at 150% of the above table. Directors (appointed positions) are granted 5 years of service towards PTO accruals. The Chairperson of the Board of Commissioners also reserves the right to extend enhanced PTO accrual rates for recruiting and retention purposes.

New employees will accrue PTO as shown above. But will not be allowed to use PTO until completion of their working test period or a minimum of 90 days, whichever is less. However, PTO

may be approved at the discretion of the Department Head or Elected Official in cases of bona fide emergencies, illness, or injury. No PTO payouts will be made for employees leaving employment of the County prior to successful completion of their working test period. PTO may not be "advanced" and can be paid only upon accrual after the last day of each pay period.

PTO accruals for general FT employees may not exceed 480 hours, and 648 hours for employees of the Department of Fire and Rescue (suppression personnel only). Roll-over to the next year is capped at 480 hours for regular full-time employees or 648 hours for employees of the Department of Fire and Rescue (suppression personnel only).

For regular part-time employees, there is no roll-over to the next year for any hours exceeding 240 hours.

Section 3. PTO Usage for Exempt Employees

Exempt employees are required to work a minimum of 40 hours a week under the principles of public accountability. When an exempt employee is unavailable to work the minimum of 40 hours due to a reduced schedule or a predetermined intermittent leave schedule, written approval from the Department Head can be granted in consideration of the needs of the department and the requirements of the job. For exempt employees, PTO can be deducted in half-day increments.

Section 4. Requesting Leave

A. Approval of Leave Requests

Each Department Head/Elected Official or designee is responsible for scheduling leave of his or her employees. Under ordinary circumstances, each employee must provide reasonable advance notice to his or her supervisor before leave time is requested, and should report to the supervisor the general reason for the leave request. Special consideration may be given in a bona fide emergency situation. All requests are subject to approval at the discretion of department management.

When simultaneous requests for the same timeframe preclude the awarding of requested leave time, the employee with the most service within the department will have first choice; however management should apply fair and consistent standards when addressing all requests for time off.

B. Leave Requests without Prior Approval (Emergencies)

If an emergency prevents prior approval of leave, the employee must contact his or her immediate supervisor no later than an hour before the employee's starting time to report the absence. If the immediate supervisor or manager cannot be reached, the employee should contact and secure the approval of the manager next in line of authority. If the manager next in line of authority cannot be reached, the employee must contact the Department Head or Director of Talent Management to secure approval. When an employee returns to work, a PTO request must be submitted documenting the absence and the emergency situation.

Section 5. Extended Leave Bank (ELB)

An Extended Leave Bank (ELB) previously was created to facilitate the transition from the prior policy of separate vacation and sick leave to the current policy of PTO. Only those employees who were active during the prior transition period would have the availability of an ELB balance.

For eligible employees, ELB can only be used in cases of injury or illness of the employee or immediate family member (as described above). Employees must provide medical certification of illness or injury for absences of more than three (3) consecutive work days.

Section 6. PTO/FMLA and Health Provider Certification

A *Certification of Health Care Provider Form*, showing the duration of the requested leave and signed by a licensed physician, shall be required from the employee to substantiate requests for FMLA and any absence of more than three (3) consecutive scheduled work days. While on FMLA, employees must use accrued PTO and any other available paid time off first before moving to unpaid status.

Section 7. PTO/ELB and Short Term Disability (STD)

Short Term Disability (STD) is a voluntary income protection plan that begins after a waiting period of fourteen (14) consecutive days of absence from work due to a non-work related injury or accident. Employees must notify the supervisor and contact Talent Management to begin STD. Employees who have accrued PTO/ELB must use PTO/ELB during the 14 day waiting period. After the waiting period ends, STD benefits begin.

An employee receiving Short Term Disability (STD) benefits while on FMLA must use accrued PTO/ELB during the required waiting period before STD benefits begin. Once STD begins, employees also may request available PTO/ELB on an as-needed basis to supplement STD income. The amount of PTO/ELB used along with the STD income may not exceed more than 100% of an employee's normal pay. The employee's department management should ensure that the employee's income does not exceed 100% of the employee's normal pay, or should ensure that the employee reimburses the County for the amount of the overpayment.

For any employee not enrolled in STD coverage, leave without pay (LWOP) will be applied to the absence.

Section 8. Voluntary Donation of Leave Program

A. Purpose and Applicability

Voluntary donation of leave is a voluntary program where approved PTO accrual may be transferred from one employee to a leave donations bank or a designated employee for use by employees who experience a severe personal illness or injury (to the employee or immediate family member). Participation in this program must be approved as outlined under "Definitions and Eligibility" and applies after an absence of more than three (3) consecutive scheduled work days.

Employees who wish to donate a portion of their accrued PTO balance may do so for absences due to Family Medical Leave, or Short Term Disability (STD). Donated PTO shall be on an hour-for-hour basis irrespective of the salary of the donor or recipient. All donations from a donor's PTO account will be credited to the donation bank or designated employee, and is referred to in this policy as *donated leave*. Donations are subject to all PTO program parameters as noted in this policy.

Approved recipients must use all ELB, PTO, compensatory time, accrued holiday time, personal holiday or other paid time off before being eligible to receive donated leave. Donation recipients cannot receive more than twelve (12) weeks of donated leave for the prior rolling 12 months.

B. Definitions

1. Leave recipient means an employee who receives donated leave.
2. Leave donor means an employee who voluntarily transfers leave time to the donation bank or a designated employee.

C. Eligibility

1. Receiving donated leave:
 - a. To be eligible to receive donated leave, an employee shall meet the following eligibility requirements:
 - i. Regular employee who has satisfactorily completed the 90-day working test period;
 - ii. Incurred a severe illness or injury; or
 - iii. Must provide care for an immediate family member with a severe illness or injury;
 - iv. Has exhausted all available PTO and other paid time off (e.g. holiday, personal, Compensatory time);
 - v. Has applied for FMLA or STD by notifying Talent Management of the need for leave; and
 - vi. Has not received more than twelve (12) weeks of donated leave in the prior rolling twelve (12) months.
2. Transferring Donating Leave:
 - a. Donation forms must be submitted and approved by Talent Management before leave donations can be approved.
 - b. Employee should complete a donation form by obtaining it from Talent Management, designating the desired amount and category of leave to be donated.
 - c. An employee may donate no more than 50 percent of accrued PTO in a calendar year, and the amount of leave donation shall not exceed 50 percent of the donating employee's leave balance at the time of donation. Employees with less than 60 hours of accrued PTO will not be eligible to participate in the donation program.
 - d. Donation transfer requests are limited to three (3) per calendar year.
 - e. Transfer of donated PTO hours is final and cannot be reversed. After submitting the donation form to the Talent Management department, the donor shall have no further claim to the donated leave.

D. Cessation of Use of Donated Leave

Donated leave ends when an employee returns to work or is separated from employment. If the medical provider recommends a gradual return to work, additional donated leave use may be approved by the Director of Talent Management in conjunction with the recipient's Department Head, up to the 12 weeks maximum for the rolling twelve (12) months. Unused donations will be returned to the leave donations bank.

E. Leave Limitations

1. Donated leave may be used only for a severe illness or injury for which the leave recipient is approved for donations.
2. PTO advances are not allowed, so donated leave may not be used to repay "advance" leave time.
3. Donation of leave may be approved only when the receiving employee has exhausted all categories of paid leave and is unable to work for catastrophic health reasons.
4. Employees may not donate leave to an immediate supervisor.
5. Unused donated leave shall be returned to the leave donations bank.
6. As a voluntary program offering, stipulations and application of voluntary leave donations are not givable, cannot be appealed and can be modified or terminated at any time.
7. Questions regarding the application of voluntary donations should be addressed to the TM Director.
8. An employee on donated leave shall be prohibited from taking another job while on donated leave. Violations could result in the immediate forfeiture of any remaining donated leave and jeopardize employment status.

F. Prohibition of Coercion.

1. No employee or anyone in management shall directly or indirectly solicit, coerce, intimidate, threaten, interfere with or attempt to do any of the above for the purpose of soliciting or facilitating donating, receiving, or using donated leave time.
2. No employee or anyone in management shall offer to purchase or sell PTO hours for or to any other employee. All requests must be coordinated through Talent Management. Any employee in violation of this policy shall be subject to corrective action up to and including termination of employment.

G. Administrative Responsibilities.

1. The Department of Talent Management shall:
 - a. Facilitate voluntary donations of leave, maintain the donation leave bank, and facilitate the donations review committee consisting of one (1) representative from TM, Finance, Fire, Water Resources and one representative from either the Tax Commissioner's Office or Probate Court.
 - b. Review and provide recommendations concerning each employee's donation request, and ensure adherence to the policies and requirements concerning the voluntary donation of leave program.
 - c. Review and approve/deny requests of potential leave recipients and donors, through facilitation of the donations review committee.
 - d. Verify eligibility of leave donors and recipients.
 - e. Notify relevant parties when requests are approved or denied.

- f. Retain approved and denied leave recipients and donor forms, number of hours transferred from each donor, number of hours donated to each recipient and number of donated hours used by each recipient, and any other information pertinent to leave recipients or donors.
2. The Finance Department shall:
 - a. Annually, randomly audit transactions to and from the leave donations bank.

H. Confidentiality.

The voluntary leave donation program information will be kept confidential to the extent authorized under the Georgia Open Records Act.

Section 9. Workers Compensation

Workers Compensation (WC) is a state-mandated, employer-sponsored benefit that provides income protection following a qualified work-related injury, after a waiting period of seven (7) consecutive days of absence from work. Employees who have accrued PTO/ELB must use it during the 7-day waiting period. After the waiting period has ended, employees may be paid state Workers Compensation benefits exclusively as compensation for covered injuries.

Employees also may request available PTO/ELB on an as-needed basis to supplement Workers Compensation benefits, with the approval of the Department Head and the Director of Talent Management. PTO/ELB used in combination with WC benefits may not exceed 100% of an employee's normal pay. The employee's department management should ensure that the employee's income does not exceed 100% of the employee's normal salary, or should ensure that the employee reimburses the County for the amount of the overpayment.

Section 10. Separations and Rehires

- A. Employees separated from employment may be eligible to receive pay for accrued PTO according to the vesting table below:

LENGTH OF SERVICE	PAYOUT
Less than 5 years	75%
5 years or more	100%
Probationary or working test period	None

PTO payout shall not exceed 480 hours for regular full-time employees or 648 hours for employees of the Department of Fire and Rescue (suppression personnel only) based on the vesting table above.

Newly hired employees who leave during the 90-day working test period are not eligible to receive pay for PTO accrual.

PTO requests to be used during the last two weeks of employment may be approved only at the discretion of the Department Head or Elected Official.

Employees who leave employment with the County and are then rehired within one year of separation, will be eligible to count past years of service when applying this policy. Persons rehired after 365 days have passed, will be treated as a newly hired employee with no credit for previous time worked. On-Call employees (including E/On-Call - Emergency On-Call) are eligible to count past years of service if they are re-instated into regular status, and provided they were not terminated from On-Call status.

- B. Separated Employees with ELB and who have completed at least ten years of creditable service with the County, and by September 30, 2006 elected to convert ELB hours to *Credited Service* upon retirement or separation, such employees will receive the same number of hours of credited service under the Plan. Employees who did not elect to convert any portion of their ELB by September 30, 2006 will receive only 50% of such hours converted to service under the plan and 50% shall be forfeited. This applies to ELB only; PTO accruals receive no service credit.

Section 11. Policy Revisions and Disclaimer

The County reserves the right to delete, modify, amend or terminate this policy or related policy provisions at any time, with or without prior notice. Future additions and amendments to this Policy shall also have the force and effect of law, upon approval by the Board of Commissioners. This Policy does not establish a contract between the County and any employee. The Talent Management Director has the express authority to reconcile any conflict which may arise in the interpretation of said policy or due to related policy changes.

Approved this ____ Day of _____

Board of Commissioners
Rockdale County, Georgia

By: _____
Oz Nesbitt, Chairman

Attest:

By: _____
Jennifer Rutledge, County Clerk