

IV.A Annual Leave

All current full-time classified, appointed and probationary employees hired by the Baldwin County Commission shall earn paid annual leave in accordance with the following schedule:

Years of Consecutive Service	Leave per (24) Pay Period	Leave Earned per Year
0 – 5 4 (currently calculates correctly)	4 hours	96 hours
5 6 – 10 9 (currently calculates correctly)	5 hours	120 hours
10 11 – 15 14 (currently calculates correctly)	7 hours	168 hours
15 – over	8 hours	192 hours

A probationary employee will earn, but cannot take, annual leave until the employee has satisfactorily completed the six (6) month probationary period and becomes a classified employee. Employees terminated before the completion of the six (6) month probationary period will not be eligible for payout of annual leave accrued.

Employees will not accumulate annual leave time while on a leave of absence or in a leave without pay status.

Annual leave for Baldwin County employees is based on a calendar year.

Employees accrue leave twenty-four (24) pay periods within the calendar year.

Employees may take annual leave in increments of quarter-hours.

Employees may not take annual leave before it has been earned.

The number of accrued leave hours to be used for one day of leave is equal to the number of scheduled paid hours of work for that day of leave. (For example, if an employee works four (4) ten (10) hour days per workweek, he or she must use ten (10) hours of annual leave to have the entire day off.

When a paid holiday occurs during an employee's annual leave, the day will be deemed a holiday and not as an annual leave day.

Days off for annual leave will not be considered as working time for calculating weekly overtime.

Employees may take annual leave in the year it was earned, or may carry it over for use in later years. However, there is a limit to the amount of annual leave that may accrue.

Years of Service	Maximum Accrued Hours (2 x annual rate)
0 – 5 4 (currently calculates correctly)	192 hours (24 days)
5 6 – 10 9 (currently calculates correctly)	240 hours (30 days)
10 11 – 15 14 (currently calculates correctly)	336 hours (42 days)
15 – over	384 hours (48 days)

If an employee earns annual leave in excess of the maximum amount listed on the table, the excess amount will be forfeited if not taken by the last full pay period in the calendar year. The amount of leave at the end of the pay period shall be no more than two (2) years of total accrued time. Employees must consider the time accrued for the last full pay period of the calendar to be included in leave that must be taken.

When an employee resigns, or is terminated, he or she is entitled to payment for any unused annual leave that has accrued. Payment is based on the rate of compensation received at the time of resignation or termination. Payroll checks are computed on the regular payroll day and are available at the normal time and place. No checks are issued in advance.

IV.C. Sick Leave

The intent of sick leave is to provide paid time off to an employee who is temporarily ill or caring for an immediate family member who is temporarily ill or for placement of a child for adoption or foster care and is not "earned" leave. For purposes of this sick leave policy, the term "immediate family member" is limited to a spouse, parent or child. Sick leave is not intended to supplement the income of an employee or to be used for additional paid time off. Sick leave is to be considered as a benefit of working for Baldwin County. An employee will be paid sick leave in the amount to bring the employee up to a forty (40) hour work week or his or her regularly scheduled work week.

A probationary employee will earn, but cannot take, sick leave until the employee has satisfactorily completed the six (6) month probationary period and becomes a classified employee.

All full-time classified and appointed employees shall earn credit for paid sick leave at the rate of eight (8) hours of leave per month based on a twenty-four (24) pay period accrual. The accrual will be credited at four (4) hours on the first and second pay period of the calendar month worked for a total of ninety-six (96) hours per year.

Sick leave may be taken in increments of quarter-hours.

An employee may use accrued sick leave for medical appointments for the employee and the employee's immediate family members.

Sick leave will not be considered as time worked for the purpose of calculating weekly overtime compensation.

An employee will not accrue sick leave while he or she is on a leave of absence or in a leave without pay status.

No employee may borrow sick leave.

An employee may use up to ten (10) hours of sick leave per pay period, while on workers compensation leave, to help pay for benefit premiums.

Upon separation of employment from Baldwin County, an employee will not be paid his or her accrued sick leave with the exception of retirement as outlined in section *V.Q Benefits due to Retirement*.

Beginning 05/01/2021, upon the death of an employee, Baldwin County will pay one-half of the employee's accumulated sick leave, not to exceed 360 hours, on the last issued paycheck.

IV.G. Part-Time Employee Paid Time Off (PTO)

All part-time employees shall be eligible for paid time off (PTO) at a rate of .0319 per hour worked for a maximum of forty-eight (48) hours per calendar year. Part-time employees may use accrued PTO for sick leave, annual leave, holiday, or bereavement. A probationary part-time employee will earn, but cannot take, PTO until he or she has satisfactorily completed the six (6) month probationary period and becomes a classified employee. Part-time employees terminated before the completion of the six (6) month probationary period will not be eligible for payout of PTO.

If a part-time employee earns PTO in excess of ninety-six (96) hours, the excess amount will be forfeited if not taken by the last full pay period in the calendar year. Employees must consider the time accrued for the last full pay period of the calendar to be included in leave that must be taken.

A part-time employee may take PTO at any time of the year as long as he or she has accumulated the leave and the needs of the department are met. The employee must submit his or her PTO request to the supervisor in advance for approval if possible. Each department may have a special form or procedure for requesting use of PTO.

If a part-time employee accepts a full-time position, all PTO accumulated will be converted to annual leave, and he or she will begin to accumulate full-time leave benefits as outlined in *IV.A. Leave Policies* and *IV.C. Sick Leave*.

If a full-time employee accepts a part-time position, all sick leave will be forfeited and all accumulated annual leave will be converted into PTO, up to 96 hours, as outlined above. The employee will begin to accrue PTO instead of annual and sick leave. Additionally, the employee will no longer qualify for any other County benefits with the exception of retirement and the Employee Assistance Program (EAP).

When a classified, part-time employee resigns or is terminated, he or she is entitled to payment for any unused PTO that has accrued. Payment is based on the rate of compensation received at the time of resignation or termination. Payroll checks are computed on the regular payroll day and are available at the normal time and place. No checks are issued in advance.

IV.H. Leave without Pay

Leave without pay may be taken only if all accrued annual, sick leave, **and PTO** have been exhausted. However, if **an a full-time** employee has exhausted all annual leave, he or she may not use sick leave unless he or she meets the requirements set out in policy *IV.C Sick Leave*.

Appointing Authorities and/or Appointed Department Heads may approve up to, but not more than, twenty-four (24) hours of leave without pay, per employee, within a ~~calendar~~ year **of first taking Leave without Pay**. The Personnel Director and/or the Appointing Authority or Appointed Department Head must act upon (either deny or approve) requests which will result in the employee taking more than twenty-four (24) hours, but no more than forty (40) hours, of leave without pay within a ~~calendar~~ year **of first taking Leave without Pay**.

Only the Baldwin County Commission or Appointing Authority may approve requests which will result in the employee taking more than forty (40) hours of leave without pay within a ~~calendar~~ year **of first taking Leave without Pay**, or any single request for greater than forty (40) hours of consecutive leave without pay.

Employees in a leave without pay status the day before or the day after a holiday or have leave without pay the whole week of the holiday will not be eligible for holiday pay. Leave without pay may be granted to a probationary employee for reasons of sickness and emergencies.

Employees will not accumulate annual leave, sick leave, **or PTO** time while on a leave of absence or in a leave without pay status.

Employees who use more than forty (40) hours of leave without pay, and is not on an approved leave of absence, are subject to progressive disciplinary action.

Employees desiring leave without pay under the Family and Medical Leave Act must comply with the Family and Medical Leave Act policy. When an employee is in a leave without pay status, and has used all Family Medical Leave and accumulated leave time, he or she shall no longer be eligible to remain on the county's insurance plan but may be allowed to continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, Title X). During Baldwin County Commission and Appointing Authority approved periods of leave without pay, the employee shall not accrue leave or benefits and shall not receive Baldwin County Commission contributions to insurance premiums.

IV.K. Family Medical Leave Act (FMLA)

Baldwin County Commission offers leave under the Family Medical Leave Act (FMLA) for eligible employees.

Eligibility: If an employee has worked for at least one (1) year and for 1,250 hours in the preceding twelve (12) months, he or she is eligible to take up to twelve (12) weeks of unpaid leave when the absence is necessitated by any of the following circumstances:

- a. The birth or placement of a child for adoption or foster care (includes legal guardianship);
- b. The employee's own serious health condition that prevents him or her from performing the essential functions of the job; or
- c. Serious health conditions of a son or daughter, parent, or spouse if the employee is needed to help provide care (includes legal guardianship, "step" family and in-laws).

Qualifying exigencies related to a spouse, child, or parent's active military duty, are included as follows: short-notice deployment, military events and activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation and post-deployment activities.

Employees are entitled to a total of twenty-six (26) weeks of leave in a particular twelve (12) month period to care for a spouse, child, parent, or next of kin suffering from a serious illness or injury incurred in the line of military duty. Note that all FMLA leave is cumulative, so that leave taken for other reasons during the year will be deducted from this additional entitlement.

2. Certification: If an employee requests leave for his or her own serious health condition, or to care for the serious condition of a son or daughter, parent or spouse, the employee will be required to provide the Baldwin County Commission Personnel Department with certification by a treating healthcare provider. Healthcare Provider Certification Forms are available from the Personnel Department.

All FMLA leave must be certified by an appropriate health care provider. Certification forms will be provided within five (5) business days of the employee's notification of the need for leave and must be returned within fifteen (15) calendar days of receipt. If additional information is requested by the Personnel Director, it must be provided within seven (7) calendar days of the request. Note that the Commission may directly contact an employee's health care provider in order to verify or clarify the need for leave. It may also require a second opinion at its own expense.

FAILURE TO COMPLY WITH THE CERTIFICATION REQUIREMENTS MAY RESULT IN PARTIAL OR COMPLETE DENIAL OF FMLA LEAVE.

You must provide certification from your treating healthcare provider when you request leave for your own serious health condition, and you may need a modified statement if your request is to care for another family member.

3. Measuring: Baldwin County has chosen the "measured forward" method that entitles the employee to twelve (12) weeks of leave during the year beginning on the first date the FMLA leave is taken after the previous twelve (12) month period ends.

Example: The 12-month period begins Sept. 1, 2012, if that is the first day of FMLA leave. If the employee exhausts all of FMLA leave, the next date the employee could again take FMLA leave would be Sept. 1, 2013.

When an employee is on FMLA leave, he or she must periodically report (if possible) to Personnel on his or her status and indicate the return to work date. Appropriate forms must be submitted to Personnel to initiate family leave or to return the employee to active status.

4. Intermittent or Reduced-Time Leave: FMLA leave can be taken on an intermittent or reduced-time basis under certain circumstances. An employee may request intermittent or reduced leave for the following reasons:
 - a. When medically necessary to care for a seriously ill family member, or because of the employee's own serious health condition; or
 - b. For the birth or placement of a child for adoption or foster care. Intermittent or reduced time leave shall not exceed twelve (12) weeks combined if both spouses are employed by the County.

Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. If an employee needs intermittent/reduced schedule leave for planned medical treatment, he or she must work with the supervisor to schedule the leave so it does not unduly disrupt the department's operations, subject to the approval of the employee's healthcare provider.



If you need to be off occasionally for medical reasons, you must work with your supervisor to arrange a schedule that does not unduly disrupt the department's work, but it has to also have the approval of your healthcare provider.

Employees on workers' compensation, for which injury is eligible for FMLA, are required to take FMLA concurrently. For example, an employee who is absent from work for four (4) months due to a workers' compensation injury will have the first twelve (12) weeks of that absence applied to FMLA leave.

5. Serious Health Condition: "Serious Health Condition" is defined as an illness, injury, impairment, or physical or mental condition that involves:
 - a. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - b. A period of incapacity requiring absence of more than three (3) calendar days from work that also involves continuing treatment by (or under the supervision of) a healthcare provider;
 - c. Any period of incapacity due to pregnancy, or for prenatal care;
 - d. Any period of incapacity (or resulting treatment) due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.);
 - e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, dialysis, etc.);
 - f. Any absences to receive multiple treatments (including any period of recovery) by, or on referral by, a healthcare provider for a condition that likely would result in incapacity of

more than three (3) consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

6. Health Insurance Premiums: During FMLA leave, the County will continue to pay its portion of the health insurance premiums, and the employee must continue to pay his or her portion of the premium. The employee's contribution of health insurance premiums should be paid continually according to the County pay periods (e.g. bi-weekly). Employees may remain on County benefits until all FMLA, sick, and annual leave have been exhausted.

While on FMLA leave, you must continue to pay your own portion of your health insurance premiums.

If an employee does not return to work at the end of FMLA leave, he or she will be required to reimburse the County for payment of health insurance premiums, unless the employee does not return because of the presence of a serious health condition which prevents him or her from performing the job or circumstances beyond the employee's control. The employee may then choose to elect COBRA coverage. Sufficient notice shall be given to the employee at the end of FMLA when and if this event occurs.

The employee will be responsible for any other elected benefit contributions while out on FMLA.

7. Accrued Leave: Employees are required to use available sick and annual leave during FMLA leave. Accrued leave and FMLA leave are used at the same time – the employee does not take accrued leave first and then take FMLA.



When your circumstance qualifies for FMLA, you may not first use your accrued leave and then start FMLA leave. These two types of leave run concurrently – you are required to use them at the same time.

The portion of the family leave of absence which is annual leave time and/or sick leave will be with pay according to the County's policies regarding annual leave and sick leave.

During FMLA leave, the employee will not accrue employment benefits (such as annual leave and sick leave), if he or she is in an unpaid status. Employment benefits accrued up to the day on which the family leave of absence begins will not be lost. Any holidays that occur during FMLA will not be paid if the employee is in an unpaid status.

8. Return to Work: If the employee returns to work from FMLA leave before or on the business day following the expiration of the twelve (12) weeks, the employee is entitled to return to his or her job or an equivalent position without loss of benefits or pay.
9. Applications: Applications for FMLA leave must be submitted in writing. Applications should be submitted at least thirty (30) days before the leave is to start, or as soon as possible if leave is not foreseeable. Employees should provide the County with an appropriate medical certification when FMLA is requested.

IV.N. Jury Duty or Court Appearance

When an employee must miss work due to jury or witness duty, the employee will be excused from his or her job. **Upon receipt of the jury summons, notice must immediately be given to the direct supervisor.**

Full-time employees will be paid for time missed due to jury duty.

Part-time employees will be paid an average of time per day missed. Averages are based on the weekly number of hours the part-time employees worked over the previous quarter. Personnel will provide the average.

Witness duty must pertain to job-related business for excused absence with regular pay.

If the employee completes the assignment during regular work hours at any time during jury or witness duty, he or she is expected to return to work immediately.



Notify your supervisor if you must appear for jury or witness duty. Witness duty must be job-related in order to receive your regular pay.