

## **Rule 4-30**

### **LEAVES**

§§:

- 4-30-005 Applicability**
- 4-30-007 Sequencing of Leaves**
- 4-30-010 Paid Vacation Leave**
- 4-30-020 Paid Sick Leave**
- 4-30-030 Paid Holidays**
- 4-30-040 Other Paid Leaves**
- 4-30-050 Alternative Leave for Recruitment Purposes**

#### **§ 4-30-005 APPLICABILITY**

This covers all management and executive employees, including temporary management and executive employees working at least twenty (20) hours per week or .5 FTE, except:

(A) Employees regularly scheduled to work less than twenty (20) hours per week or .5 FTE will not receive benefits, except those required by state or federal law.

(B) A temporary appointee who is a current member of a bargaining unit will receive the leave provisions negotiated as part of the applicable collective bargaining agreement unless specified otherwise.

(C) Temporary employees who are scheduled to work at least twenty (20) hours per week or are .5 FTE are eligible for the benefits described below except for MCPR 4-30-010 (E), 4-30-020 (C) and (H), and 4-30-050 (A), as indicated below.

#### **§ 4-30-007 SEQUENCING OF LEAVES**

The use of vacation leave, saved holiday time, compensatory time, and leave without pay is subject to approval by management. However, unless otherwise required by law, forms of leave shall be used and exhausted in the following sequences for illness and injuries:

(A) Leave for illness or injury, that does not qualify for FMLA will be taken in the following order:

(1) Sick leave until it is exhausted;

(2) Vacation leave, saved holiday time, or compensatory time, sequenced at the employee's option, until they are exhausted;

(3) Leave without pay.

(B) Leave that qualifies under FMLA or OFLA will be taken in the following order: Paid leave until it is exhausted; employees will determine what order paid leave is used;

(C) Leave for other purposes will be taken in the following order:

(1) Vacation leave, saved holiday time, or compensatory time, sequenced at the employee's option (to the extent allowed by vacation sign-up provisions) until they are exhausted;

(2) Leave without pay

**§ 4-30-010 PAID VACATION LEAVE**

(A) Each employee regularly scheduled to work 1.0 FTE accrues vacation credit based on years of county employment in accordance with the schedule below. An employee who separates from county service and returns as a management or executive employee will be given credit toward additional vacation accrual rates for service prior to separation. Vacation will accrue incrementally each pay period. For accrual purposes, "day" is defined as a unit of eight (8) hours.

(1) Executive and Management Employees except Sheriff's Office employees accrue as follows:

1. Years of Service	2. Hours Accrued Per Pay Period	3. Hours (Weeks) Accrued Per Year by Forty Hour Employees	4. Maximum Hours Accruable
Less than 2	4.67	112 (2.8 wks.)	224
2 up to 5	5.67	136 (3.4 wks.)	272
5 up to 8	7.33	176 (4.4 wks.)	352
8 up to 15	9.0	216 (5.4 wks.)	432
15 or more	9.0	216 (5.4 wks.)	500

(2) Executive and management employees in the Sheriff's Office shall accrue as follows:

1. Years of Service	2. Hours Accrued Per Pay Period	3. Hours (Weeks) Accrued Per Year by Forty Hour Employees	4. Maximum Hours Accruable
Less than 2	4.0	96 (2.4 wks.)	192

1. Years of Service	2. Hours Accrued Per Pay Period	3. Hours (Weeks) Accrued Per Year by Forty Hour Employees	4. Maximum Hours Accruable
2 up to 5	5.0	120 (3.0 wks.)	240
5 up to 8	6.67	160 (4.0 wks.)	320
8 up to 15	8.33	200 (5.0 wks.)	400
15 up to 20	8.33	200 (5.0 wks.)	500
20 or more	10.0	240 (6.0 wks.)	500

(B) Each employee regularly scheduled to work .5 FTE through .99 FTE accrues vacation credit on a pro rata basis. For example, an employee regularly scheduled to work .5 FTE shall earn one-half the vacation credit set forth in paragraph (A).

(C) Vacation must be scheduled in advance with the Director's or supervisor's approval.

(1) For employees not exempt from the Fair Labor Standards Act (FLSA), time charged to vacation leave will be rounded to the nearest quarter hour.

(2) For FLSA exempt employees, time will be charged to vacation leave only for full-day absences from work. Partial day absences due to intermittent leave as provided by OFLA/FMLA will not be tracked or counted except that the time will be charged against the employee's OFLA/FMLA leave entitlement, rounded to the nearest quarter hour.

(D) Total vacation accrued must not exceed the maximum allowable accruals set forth in this section, except for current "frozen" vacation accrued under a previous employee vacation plan.

(E) Full-time executive and management employees new to county service receive the equivalent of their entire first year vacation leave accrual upon appointment in lieu of accruing vacation leave during the first year of employment. Full-time executive and management employees newly rehired to county service are also eligible to receive the same benefit during the first year of return to county service as long as they have had at least a two (2) year break in employment with the county. Thereafter, vacation earnings and reporting is as provided in this section. Employees who separate from county service prior to the end of one (1) full year of employment will be paid only for the vacation accumulation to which they would be entitled if it had been accrued. Temporary employees are not eligible for this benefit, unless approved by the Multnomah County HR Director.

(F) At the time of employee separation from the county unused accrued vacation leave up to the maximum allowable under subsection (A) will be paid at the employee's current regular rate of pay. An employee may not be scheduled for vacation greater than two (2) full pay periods immediately prior to the termination date.

**§ 4-30-020 PAID SICK LEAVE**

(A) Sick leave may be used by an employee for the following non-occupational conditions involving the employee or conditions of a member of the employee's immediate household; spouse, parent, or children as defined in the federal Family and Medical Leave Act; parents-in-law, grandparents or grandchildren as defined in the Oregon Family Leave Act (OFLA); the employee's domestic partner as designated in an Affidavit of Domestic Partnership submitted to the Employee Benefits Unit; or the children and parents of such domestic partner.

- (1) Illness or injury;
- (2) Quarantine based on non-job related exposure to contagious disease;
- (3) Medical, dental or employee assistance program appointments; or

(4) Family Medical Leave as defined by state or federal law, except that the amount taken by the other parent of the employee's child will not affect the parental leave available to the employee.

(B) For accrual purposes, "day" is defined as a unit of eight (8) hours. Sick leave will accrue each pay period on the following schedule:

(1) Each employee regularly scheduled to work 1.0 FTE will accrue sick leave at the rate of twelve (12) days per year or ninety-six (96) hours.

(2) Employees regularly scheduled to work .5 through .99 FTE will accrue sick leave on a pro rata basis. For example, an employee regularly scheduled to work .5 FTE will earn six (6) days or forty-eight (48) hours per year.

(C) Full-time executive and management employees new to county service will receive twelve (12) days sick leave upon appointment in lieu of accruing sick leave during the first year. Thereafter, sick leave will accrue as stated in the above section. Temporary employees are not eligible for this benefit, unless approved by the Multnomah County HR Director.

(D) Sick leave accruals may only be used for time that is not compensable under Workers' Compensation.

(E) There is no maximum limit on the amount of sick leave that an employee may accrue.

(F) Charging of Sick Leave.

(1) For FLSA exempt employees, time will be charged to sick leave only for full-day absences from work. Partial day absences due to intermittent leave as provided by OFLA/FMLA will not be tracked or counted except that the time will be charged against the employee's OFLA/FMLA leave entitlement, rounded to the nearest quarter hour.

(2) For FLSA nonexempt employees, time charged for sick leave taken will be rounded to the nearest quarter hour.

(G) Sick Leave Reporting to Public Employee Retirement System (PERS). Accumulated unused sick leave will be reported to PERS for the purpose of determining the pension benefits.

(H) Each July 1, an employee who has worked the preceding twelve (12) months and who has used no more than twenty (20) hours of sick leave will be credited with one saved holiday. Absences covered by FMLA or OFLA will not be counted when calculating the number of sick leave days taken for purposes of the incentive program. Days will be pro-rated for employees regularly scheduled to work .5 through .99 FTE. Temporary employees are not eligible for the incentive program.

(I) Counting Against FMLA, OFLA Entitlements.

(1) Sick leave and any other forms of paid or unpaid leave used for FMLA qualifying conditions, or absence due to a deferred or approved Workers Compensation claim based on such conditions, or partial day absences pursuant to 4-30-020(F)(1) and (I)(1) above, will be counted against an employee's annual FMLA leave entitlements.

(2) Sick leave and any other forms of paid or unpaid leave used for OFLA qualifying conditions, or partial day absences pursuant to 4-30-020(F)(1) and (I)(1) above, will be counted against an employee's annual OFLA leave entitlement. Absence due to a deferred or approved Workers Compensation claim based on such conditions will not be counted against an employee's annual OFLA leave entitlements.

(J) Intermittent Leave. When the intermittent use of accrued sick leave or other paid or unpaid leave used in lieu of sick leave interferes significantly with an employee's ability to perform the duties of his or her job, management may do the following (subject to the requirements of law, including, but not limited to, OFLA/FMLA):

(1) Require the employee to take continuous leave; or

(2) Change the employee's work assignment for six (6) months or until use of intermittent leave ends, whichever comes sooner.

(K) Limitations on the Use of Leave Without Pay in Lieu of Sick Leave. Use of leave without pay in lieu of sick leave for non-FMLA and non-OFLA qualifying conditions is subject to the approval of management.

(L) At the time of separation from county service, the county does not compensate employees for unused sick leave. Employees who were laid off and recalled from a recall list, will have their sick leave balance restored when they are recalled.

#### **§ 4-30-030 PAID HOLIDAYS**

(A) Each full time employee is entitled to the following paid holidays with the exceptions noted for Library employees and in (C) below for the Sheriff's Office:

- (1) Any day declared a holiday by the Board of County Commissioners
- (2) New Year's Day (January 1st)
- (3) Dr. Rev. Martin Luther King, Jr.'s birthday (3rd Monday in January)
- (4) President's Day (3rd Monday in February)
- (5) Memorial Day (last Monday in May)
- (6) Independence Day (July 4)
- (7) Labor Day (1st Monday in September)
- (8) Veteran's Day (November 11); except library employees who have December 24 as a holiday instead;
- (9) Thanksgiving Day (4th Thursday in November)

(10) Eight (8) hours to be used between Thanksgiving and New Year's, or for any religious holiday during the fiscal year. Employees must give two (2) weeks notice and obtain the consent of their supervisors. If a supervisor determines that holiday usage requested is impracticable, the employee will be credited with eight (8) hours of saved holiday time. Notwithstanding other sections of this Rule, if an employee who works more than eight (8) hours per day takes a full day's absence, the balance of the day may be charged to accrued vacation leave.

(11) Christmas Day (December 25) or, with approval of supervisors, this day may be traded for any other religious holiday during the fiscal year if employees use paid leave for or work on December 25. To be eligible for pay on an observed holiday, an employee must be in pay status both on the employee's scheduled work day before and the employee's scheduled work day after the holiday.

(B) Holiday Observance:

- (1) Five (5) Day Work Week:
  - (a) If the holiday falls on an employee's first scheduled day off, the preceding workday will be observed as that employee's holiday.
  - (b) If the holiday falls on an employee's second scheduled day off, the following workday will be observed as that employee's holiday.
- (2) Four (4) Day Work Week:

(a) If the holiday falls on an employee's first or second scheduled day off, the preceding work day will be observed as that employee's holiday.

(b) If the holiday falls on an employee's third scheduled day off, the following workday will be observed as that employee's holiday.

(3) Part-time employees, and full-time employees on an irregular schedule. The holidays designated above are the observed holidays if they fall on an employee's regular workday. Employees will be credited with saved holiday time for the holiday leave to which they would have been entitled if the holiday does not fall on a regular workday.

(4) Employees working five (5) eight (8)-hour shifts per week will be entitled to eight (8) hours of leave; employees working four (4) ten (10)-hour shifts per week will be entitled to ten (10) hours of leave; and employees working nine-eighty (9/80) work schedules will be entitled to nine (9) hours of leave, except as specified otherwise.

(C) In Lieu of the above holidays, Sheriff's Office employees are entitled to receive twelve (12) personal holidays per year on each July 1, for use at the discretion of the employee with the consent of the Director or supervisor. Management and executive employees newly hired into county service and promoted from bargaining units with observed holidays will be given one (1) personal holiday for each month remaining in the fiscal year, starting with the month of hire. At time of promotion from a bargaining unit, unused saved holiday time will be paid off based on the applicable collective bargaining agreement provisions for paying off saved holidays for employees terminating from county service. Employees promoting from MCDSA and MCCDA bargaining units, will have one (1) additional day added to their unused personal holiday banks.

(1) Part-time employees are entitled to personal holidays on a pro rata basis.

(2) Employees working five (5) eight (8)-hour shifts per week will be entitled to eight (8) hours of leave; employees working four (4) ten (10)-hour shifts per week will be entitled to ten (10) hours of leave; and employees working nine-eighty (9/80) work schedules will be entitled to nine (9) hours of leave.

(D) Part-time employees are entitled to paid leave on observed holidays on a pro rata basis.

(E) If an employee is on authorized leave with pay when a paid holiday occurs, the holiday will be paid and will not be charged against the leave.

(F) Directors and supervisors are authorized to adjust holiday schedules for employees on flexible working schedules.

(G) Any saved holiday time not used by the end of the fiscal year in which it was accrued is forfeited. The saved holiday time usage is subject to the same rules as vacation leave, except that employees who separate from county employment will not be paid for accumulated saved or personal holiday leave.

(H) Veterans who request but are not able to observe Veteran's Day off due to significant economic or operational disruption will be granted an alternative, unpaid day off to honor the holiday before the next Veteran's Day, subject to the Sequencing of Leaves rules in 4-30-007(C) or collective bargaining agreements.

**§ 4-30-040 OTHER PAID LEAVES**

(A) Employees are entitled to time off with pay for the following reasons:

(1) Judicial Leave. An employee is granted leave with full pay in lieu of jury fees for time spent on jury duty during the employee's regular work shift. Employees must waive jury fees or submit them to the county. Employees need not submit jury duty mileage and parking reimbursements. An employee who is excused or dismissed prior to the end of the employee's regular work shift will report back to work if practicable.

(2) Military Leave. An employee who has served the county for six months or more, and who is called up for service as a member of the National Guard or any reserve component of the Armed Forces of the United States, is entitled to a military leave of absence with pay for up to fifteen (15) calendar days, but no more than eleven (11) work days in any calendar year. Leave of absence without pay will be granted for any additional time needed for an obligation of annual active military reserve or National Guard duty. Unpaid military leave is treated like other leaves of absence without pay, unless otherwise approved by the Board.

(3) Bereavement Leave. An employee will be granted not more than three (3) days leave with full pay in the event of a death in the immediate family or immediate household of the employee. If such funeral is beyond 350 miles, the employee may be granted up to three (3) additional days of paid leave for travel. For purposes of Bereavement Leave, "immediate family" means spouse, parents, children, stepchildren, brother, sister, grandchildren, grandparents, father-in-law, mother-in-law, sister-in-law or brother-in-law. "Immediate household" means any person residing at the employee's residence on a regular basis. For other relationships under exceptional circumstances, the Director may grant bereavement leave. Paid Bereavement Leave may also be counted toward unpaid OFLA bereavement leave described in MCPR 2-60, consistent with OFLA, collective bargaining agreements, and sequencing of leave provisions.

(4) Recognition Leave. An employee may be awarded leave with pay by a Director or supervisor in recognition of outstanding achievement or performance which may take the form of:

(a) extraordinary performance of work outside normal work hours by employees working a professional workweek who do not qualify for overtime compensation; or

(b) other achievement or performance determined by the Director or supervisor that makes an outstanding contribution to agency goals and objectives.

Recognition leave may not exceed eighty (80) hours in a fiscal year. This leave is not an entitlement, is not to be automatically granted at the beginning of a fiscal year, and is to be



judiciously awarded. It is compensable only in the form of leave, and must be used by the end of the fiscal year or forfeited.

(5) Leave for Examinations. In order to encourage and promote development employees will be allowed time off with pay for taking county examinations and interviews during normal operating hours.

(6) Attendance at conferences, seminars and other training activities with approval of the Director or supervisor.

(7) Work related testimony or participation at court trials or administrative hearings on behalf of the county with approval of the Director or supervisor.

#### **§ 4-30-050 ALTERNATIVE LEAVE FOR RECRUITMENT PURPOSES**

(A) In order to accomplish recruitment objectives, alternative vacation and sick leave benefits may be granted to eligible employees upon regular appointment to a management or executive service position with Multnomah County. Temporary employees are not eligible for this benefit, unless approved by the Multnomah County HR Director.

(1) A Director, with the approval of the Department's HR Manager, may grant alternative vacation benefits to eligible employees appointed from outside Multnomah County service when necessary to accomplish recruitment objectives. Alternative leave benefits must be justified by one of the following:

- (a) Special skills not required by the job which will enhance the county's service delivery;
- (b) Previous leave benefits of the applicant, when the applicant also has additional experience;
- (c) Additional experience and training of the individual; or
- (d) When hiring for positions that have been difficult to fill.

(2) Vacation Leave

Upon appointment, employees appointed to full time positions may accrue vacation leave at the rate of 5.67 hours per pay period to a maximum of 136 hours per year for the first five (5) years of employment. After five (5) years of employment, the accrual rate will be increased to correspond with the standard leave accrual rates. Employees will receive the equivalent of the first year of vacation accrual upon appointment per MCPR 4-30-010 (E). Accruals at rates above 5.67 hours per pay period upon appointment are subject to the approval of the Multnomah County HR Director.

(3) Sick Leave

Upon appointment to a full time position, an immediate eligibility for thirty (30) working days (240 hours) of paid sick leave may be made available to be used during the first thirty (30) months of employment. The 240 hours may be drawn upon but not increased during the first thirty (30) months of employment. Sick leave received upon initial appointment under MCPR 4-30-020 (C) is included in the thirty (30) days of paid sick that may be made available during the first thirty (30) months of employment.  
(ER375, Amended, 05/27/2014)