

**CHAPTER 6**  
**BENEFITS AND LEAVE**

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**APPENDIX A *Benefits Eligibility Summary***

**APPENDIX B *Retiree Eligibility for Group Health Plan Summary***

## CHAPTER 6

### BENEFITS AND LEAVE

#### 6.0 SCOPE

This policy governs the County's Employee Benefits Program to include all County-sponsored or subsidized benefits (non-wage compensation) employees and other eligible individuals may receive in addition to their normal wages or salary. The County's Employee Benefits Program currently includes:

1. Group Health Plan
2. Retirement Benefits
3. Ancillary State Benefits
4. Workers' Compensation
5. Disability Insurance
6. Tuition Assistance Program
7. Paid Holidays
8. Accrued Paid Leave
9. Other Leave Benefits

While the County intends to maintain these benefits, it reserves the absolute right to modify, amend, or terminate any one or all these benefits at any time and for any reason. The descriptions of insurance benefits within this policy and in County communications merely highlight certain aspects of the County's plans for general information only. The details of the plans, including eligibility and benefits provisions, are contained in the Summary Plan Descriptions (SPDs) for the plans, available on the County's Intranet, which are revised periodically. Employees can access more information on all County benefits on the County's Intranet or by contacting the Department of Human Resources (DHR).

#### A. Benefits Eligibility

##### 1. County Positions/Employees

The eligibility of individual County employees for specific benefit plans and types varies by the type of position, the number of regularly scheduled hours associated with the position, and any applicable laws or regulations. If an employee is assigned to multiple positions, to be eligible for benefits, at least one of the positions must meet the minimum number of hours for benefits eligibility. The *Benefits Eligibility Summary* outlines eligibility for specific types of County positions. (See Appendix A).

##### a. Reduction in Hours Pursuant to a Reduction in Force

Employees whose hours are involuntarily reduced by action of the Board of Supervisors (Board) are eligible to retain group health insurance based on their regularly scheduled hours immediately prior to the reduction, provided that the employee's schedule is not reduced to less than 20 hours per week and the employee has been a full-time regular employee for more than one year. Employees whose regularly scheduled hours are reduced to less than 20 hour per week will no longer be eligible for health insurance and will have continuation rights pursuant to the Consolidated Omnibus Budget Reduction Act.

All other County benefits will be subject to the eligibility and cost sharing formulas consistent with the employee's new status/scheduled hours.

b. Reinstatement

If an employee should leave County employment from a regular position and subsequently returns within 26 weeks of separation to any regular position, County employment will be reinstated. If the returning employee returns to his/her same position, no new probationary period will apply. If the returning employee is reinstated into a new position, a new probationary period will apply. Annual and/or Sick Leave balances (including longevity days with an adjusted anniversary date) that were not paid to the employee at the time of initial separation will be restored as specified in this Chapter.

Individuals who have separated from employment with Loudoun County Public Schools ("LCPS") and are subsequently hired within 26 weeks of such separation by the County into a leave-eligible position, will be treated as a reinstatement for the purposes of determining Longevity Leave. Unused Sick Leave balances earned while employed with LCPS will transfer with the employee to the County. The value of the employee's new leave balances with the County will be based upon the "Value of a Day" for the new position.

c. Rehired Retirees

The Virginia Retirement System ("VRS") is a qualified pension plan as defined by the Internal Revenue Service ("IRS"). As such, there are certain IRS rules and regulations that must be followed when returning a retiree to employment with the same employer. The County Administrator shall maintain administrative policies and procedures governing the reemployment of retirees and any potential impacts to retirement and other benefits.

2. Members of Boards and Commissions

Active members of the Board are eligible for County health insurance benefits at the rates assessed for full-time employees. Current and future members of the Board with at least six years of service, including years both retrospective and prospective, are eligible for retiree health insurance benefits at 62 years of age. Premium cost sharing formulas for retiree health insurance will be determined based on years of service as a member of the Board as follows:

- a. 6-11 years of service: 50% of the premium paid by the former Board member/50% of the premium paid by the County
- b. 12 or more years of service: 100% of the premium paid by the County

Members of Board-appointed committees, commissions, and advisory boards are not eligible for health insurance or other County benefits, unless required by federal or state laws or unless they are employed in a position that is eligible for County benefits.

3. Board of Supervisors Staff Aides

Benefits for Staff Aides who are employed by individual members of the Board are contingent

on the number of hours worked. Any change in a Staff Aide's approved hours of work may impact the District budget in terms of salary and required contribution for benefits. For the purposes of administering this section, Staff Aides will be treated in the same manner as regular employees in full-time and part-time regular positions. Staff Aides are eligible for benefits as described in the *Policies for Board of Supervisors' Staff Aides*.

4. Non-County Positions and Employees Covered by a Cooperative Agreement

The provisions of this Chapter shall govern the benefits provided to certain non-County employees in accordance with the terms of a memorandum of understanding, cooperative agreement, or other legal agreement with the Board.

Pursuant to a current signed agreement between the Constitutional Officer and the Board, Constitutional Officers are eligible for the same health plan benefits as full-time regular County employees.

**6.1 UPDATES AND MAINTENANCE OF EMPLOYEE BENEFITS**

Benefits, including eligibility criteria, accrual rates, and cost sharing formulas, shall be subject to periodic review and changes. Benefits are provided as approved by the Board and are subject to appropriation of funds.

**6.2 GENERAL AUTHORITY**

The County Administrator or designee is authorized to administer the County's Employee Benefits Program as established by the Board and in accordance with this policy. The County Administrator is authorized to implement administrative policies and procedures to ensure the efficient and equitable administration of the program and this policy, to clarify provisions of this policy, and to ensure the County's compliance with any applicable federal or state laws. Administrative policies and procedures governing the County benefits can be accessed on the County's Intranet or by contacting the DHR. The County Administrator is authorized to make exceptions to leave policies on a case-by-case basis or based on operational need. Any such exceptions shall be granted on a non-discriminatory basis and without regard to the employee's membership in any legally protected category. Other specific authorities delegated to the County Administrator are detailed below. The County Administrator may recommend amendments to the County's Employee Benefits Program to the Board to remain competitive in the labor market or for other appropriate reasons.

**6.3 DEFINITIONS**

A. Anniversary Date

The date an employee is assigned to a position that is eligible to accrue paid leave benefits. Anniversary dates shall be adjusted for breaks in service, loss of eligibility due to transfer to a position that is not eligible to accrue leave benefits, or for the determination of cost-sharing formulas for Group A and Group B retiree health benefits

B. Executive Staff

Employees designated as a Department Director, Assistant County Administrator, or Deputy County Administrator

C. Extended Family

All the relations identified below in the definition of Immediate Family plus the employee's biological, step, or adopted aunt, uncle, niece, nephew, or any of these relations as an "in-law."

D. Immediate Family

For the purposes of this policy, the term "immediate family" is defined as:

- a. The employee's spouse
- b. A biological, step, or adopted son, daughter, parent, sibling, grandparent, grandchild, or any of these relations as an "in-law"
- c. A minor child to whom the employee is serving "*in loco parentis*" or a person who served "*in loco parentis*" to the employee when the employee was a minor
- d. An individual to whom the employee serves as the legal guardian, foster parent, next of kin, or medical power of attorney
- e. A current member of the employee's household

E. Leave Year

Generally a calendar year, but administered in accordance with County pay periods. The Leave Year begins with the first day of the first pay period in the calendar year and ends with the last day of the last pay period of the calendar year.

F. Value of a Day

1/10<sup>th</sup> of the employee's regular bi-weekly scheduled hours rounded up to the nearest quarter hour. For half-day holidays, the value of a day shall be 1/20<sup>th</sup> of the employee's regular bi-weekly scheduled hours rounded up to the next quarter hour.

## **6.4 GROUP HEALTH PLAN**

The County offers a Group Health Plan to eligible employees/retirees and their eligible dependents that includes medical insurance and other ancillary health benefits coverage. The DHR administers the County's Group Health Plan. The DHR shall ensure that information on the County's Group Health Plan is shared with all eligible new hires upon hire and conspicuously posted on the County's Intranet.

A. Deadlines

Employees and other covered individuals are responsible for complying with all deadlines related to enrolling in the Group Health Plan, including but not limited to at the time of hire or when otherwise newly eligible, when making benefit elections and/or when adding eligible dependents during annual Open Enrollment, or after experiencing a qualified life event. Employees are further responsible for providing any required supporting documentation within the applicable deadline. Employees who fail to meet the applicable deadlines may be precluded from coverage or may lose coverage for themselves and/or their dependents.

B. Continuation of Coverage

An employee, employee's spouse, and/or employee's dependent(s) may have the right to continue eligible benefits under the County's Group Health Plan after experiencing a qualifying event pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

C. Premium Payments

For those participating in the Group Health Plan, employee premium payments shall be deducted from the employee's paycheck in accordance with the regular payroll schedule. Premium payments for new hires may vary based upon hire date. Employees on Leave Without Pay may continue their group health insurance for themselves and their eligible dependents by continuing to make premium payments on a timely basis and in accordance with procedures established by the DHR. Failure to pay premiums in full may result in the discontinuation of health care coverage. Retirees enrolled through the County Group Health Plan are billed directly for their premium payments by the County's third-party administrator.

## **6.5 RETIREMENT BENEFITS**

A. Virginia Retirement System

The Board has elected to provide retirement benefits for employees through the Virginia Retirement System ("VRS"). Eligibility and vesting rules for VRS are governed by the Virginia Code and VRS regulations. VRS offers a variety of retirement plans based on the employee's VRS hire date. Membership in VRS is mandatory for all regular full-time employees who are authorized to work 30 or more hours per week in a VRS covered position. Employees rehired on or after July 1, 2010 are subject to membership criteria as outlined in § 51.1-144 of the Code of Virginia, as amended. Employees hired or rehired on or after January 1, 2014 and who are not enrolled in a VRS plan at the time of hire are subject to membership criteria as outlined in amended § 51.1-169 of the Code of Virginia, as amended, with the exception of public safety personnel as defined in § 15.2-1512.2 of the Code of Virginia. Employees are required to make contributions to their VRS retirement plan by payroll deduction to receive service credit toward their VRS retirement benefit.

All retiring employees must notify the DHR no later than 90 days prior to their service retirement date to initiate the retirement process.

B. VRS Disability Retirement

An employee in a VRS-covered position who is unable to perform his or her job because of a medical condition that is likely to be permanent may be eligible for disability retirement, subject to approval by the VRS medical board. To be eligible for this benefit, the employee must be a VRS Plan 1 or Plan 2 member.

C. Life Insurance

Employees working in a VRS-covered position are eligible for life insurance from the first day of employment. Accidental death and dismemberment coverage are also available. Employees may also purchase additional life insurance for themselves or their spouse and/or dependent children through the Optional Group Life Insurance Program. Premiums for additional coverage are paid through payroll deductions.

D. Retiree Health Benefits

The County offers retiree health care coverage to employees and other covered individuals based on several criteria as outlined in the Retiree Eligibility for Group Health Plan Summary (Appendix B). A retiree is defined as an individual who retires from the County or other covered employment and immediately begins receiving a retirement annuity from VRS. Individuals who

resign from employment and delay receipt of retirement benefits from VRS are not considered retirees for the purpose of continuing retiree health coverage. County contributions toward continuing retiree health coverage are based on the Other Post Employment Benefit (“OPEB”) retiree group as defined in the Retiree Eligibility for Group Health Plan Summary (Appendix B).

1. Retiree Health Benefits Re-Enrollment Rights

Retirees may waive coverage under the County’s Group Health Plan if coverage is available under another non-County health plan, and later opt back in at the same level of coverage in effect at the time of their retirement with proof of creditable coverage (requires continued coverage with no lapse in coverage).

## **6.6 ANCILLIARY STATE BENEFITS**

The following ancillary state benefits are provided through VRS and are subject to change at any time. Additional information is available through the VRS’s website, [www.varetire.org](http://www.varetire.org) or by contacting the DHR.

A. Line of Duty Benefits

The Virginia Line of Duty Act (“LODA”) provides benefits to eligible family members of eligible employees and volunteers killed in the line of duty and to those eligible employees and volunteers disabled in the line of duty and their eligible family members. Benefits include a one-time death benefit and premium-free LODA health benefit plan coverage for eligible family members for individuals killed in the line of duty. Premium-free LODA health benefits are available for disabled individuals and their eligible family members.

B. Long Term Care

An insurance product that provides a monthly benefit and covers the cost of care needed for prolonged health problems or following a major illness, injury, or surgery. Employees pay a premium directly to the insurance carrier and the County makes no contribution toward this coverage.

## **6.7 WORKERS’ COMPENSATION**

The Virginia Workers’ Compensation Act (Va. Code § 65.2-100 *et seq.*) requires employers to provide compensation, including wage loss benefits and medical treatment, for employees who sustain an injury by accident arising out of and in the course of their employment. The Virginia Workers’ Compensation Act also requires employers to provide benefits to employees who suffer from an occupational disease arising out of and in the course of employment (but not an ordinary disease of life that the public is exposed outside of employment).

The County provides Workers’ Compensation coverage to all employees (full-time, part-time, and temporary) as well as volunteers in the Combined Fire and Rescue System through a self-insured program managed by a third-party administrator. The third-party administrator is responsible for investigating claims, determining compensability of claims, authorizing medical treatment, processing payment of claim-related expenses, and responding to the Virginia Workers’ Compensation Commission as necessary. The decisions made by the third-party administrator are governed by the Virginia Workers’ Compensation Act and case law interpreting the Act.

Workers' Compensation is solely a monetary benefit and not a leave of absence. Employees who sustain an injury or illness at work must immediately report the injury or illness to their supervisor or manager. The County Administrator has the authority to implement and maintain administrative policies and procedures governing the workers' compensation program. Information for reporting a workers' compensation injury or illness is posted on the County's Intranet. All workers' compensation benefits inquiries should be directed to the DHR.

## **6.8 DISABILITY INSURANCE**

The County offers two self-funded short-term disability ("STD") plans, one for VRS Plan 1 and Plan 2 ("Legacy plan") members, and one for VRS Plan 3 ("Hybrid plan") members. Hybrid plan members within their first year of employment are enrolled in the County's STD Legacy plan to ensure coverage during the Hybrid plan eligibility waiting period. The County offers three fully insured long-term disability ("LTD") plans, which include a core LTD plan for Legacy plan members, a Hybrid Plan, and an optional, enhanced benefit "Buy Up" plan for those enrolled in the Legacy plan. Additional information regarding the County disability plans is available on the County's Intranet or by contacting the DHR.

## **6.9 TUITION ASSISTANCE PROGRAM<sup>1</sup>**

The County encourages employee development and supports employees having the opportunity to improve their knowledge, skills, and abilities and to further their professional development. The purpose of the Tuition Assistance Program is to provide financial assistance to help employees achieve this goal.

The Tuition Assistance Program is available to all employees assigned to work in regular (non-temporary) positions authorized for 30 or more scheduled hours per week. To be eligible for the Tuition Assistance Program, employees must have completed their probationary period. Courses must be taken through an accredited college or university and result in college credit.

The amount budgeted for the Tuition Assistance Program shall be determined each fiscal year and reimbursement to employees is subject to the availability of funds. The County Administrator is authorized to implement and maintain policies and procedures regarding the Tuition Assistance Program. Additional information regarding the Tuition Assistance Program is available on the County's Intranet or by contacting the DHR.

## **6.10 PAID HOLIDAYS**

### **A. Eligibility**

Unless otherwise stated, the policies in this Chapter pertaining to paid leave benefits shall apply to all employees assigned to work in regular (non-temporary) positions and authorized to work for 20 or more regular scheduled hours per week. Long-term temporary (more than 90 days) employees who are authorized to work 30 or more regularly scheduled hours are also eligible for paid leave benefits as described in the *Benefits Eligibility Summary* (Appendix A). Employees who are eligible for paid holidays shall receive the Value of a Day for each designated holiday declared by the Board, County Administrator, or his or her designee. The County recognizes 14 and 1/2 paid holidays per year including one floating holiday. Paid holidays are listed below.

<sup>1</sup>The Tuition Reimbursement benefit in this Chapter supersedes the provisions previously established in Chapter 7 of the Human Resources Policy Handbook, effective July 1, 2021

New Year's Day	Election Day
Martin Luther King, Jr. Day	Veteran's Day
Presidents' Day	Thanksgiving Day
Memorial Day	Thanksgiving (Day After)
Juneteenth	Christmas Eve (1/2 Day)
Independence Day	Christmas Day
Labor Day	Floating Holiday
Indigenous Peoples' Day	

Ten-month employees, including, but not limited to preschool teachers and aides, before and after school childcare supervisors and aides, and LCSO crossing guards who are eligible for paid holidays will receive the Value of a Day for the following 12 and 1/2 paid holidays per year including one floating holiday. *Independence Day is excluded. Juneteenth shall be observed as a holiday subject to the official last day of the Loudoun County Public School year. If the holiday occurs prior to the official last day of the LCPS year, then the holiday shall apply.*

New Year's Day	Veteran's Day
Martin Luther King, Jr. Day	Thanksgiving Day
Presidents' Day	Thanksgiving (Day After)
Memorial Day	Christmas Eve (1/2 Day)
Labor Day	Christmas Day
Indigenous Peoples' Day	Floating Holiday
Election Day	

An employee may not earn paid holidays while on unauthorized leave, Leave Without Pay, or if working less than the authorized hours for their position. Employees must be in an approved paid status the day before and the day after a holiday to receive pay for the holiday. Ten-month employees must be in an approved paid status on their last regularly scheduled workday before the holiday and their first regularly scheduled workday after the holiday to receive pay for the holiday.

**B. Dates Observed**

Actual dates that the above-specified paid holidays are observed will be designated annually by the DHR in accordance with this policy and the federal and state holiday calendars.

**C. Reconciliation Between County and State Calendar**

The County's holiday calendar is published annually by the DHR in alignment with the state's holiday calendar as officially published by the state on an annual basis. Should the state declare an additional holiday for the calendar year after the County's holiday calendar has been published, and a Board Meeting is scheduled in the period between the declaration and the actual date of the holiday, the County Administrator will seek Board direction on granting the same holiday for County employees. Should there be no regularly scheduled Board Meeting during that time, the County Administrator is authorized to declare the additional holiday as a County holiday and to provide notice to employees and the public that County offices will be closed for the declared holiday.

**D. Floating Holiday**

Employees eligible for paid holidays will receive one floating holiday per calendar year. The day

must be requested in advance and in accordance with department protocol and is subject to supervisor approval. If an employee fails to take his or her floating holiday in a calendar year, it is automatically forfeited at the end of that calendar year. An unused floating holiday is not paid at the time of separation.

## **6.11 ACCRUED PAID LEAVE**

Unless otherwise stated, all employees assigned to work in regular (non-temporary) positions and authorized to work for 20 or more regular scheduled hours per week are eligible for paid leave benefits. Long-term temporary (more than 90 days) employees who are authorized to work 30 or more regularly scheduled hours are also eligible for paid leave benefits as described in the *Benefits Eligibility Summary* (Appendix A).

### **A. Accrued Paid Leave**

The County offers both Annual Leave and Sick Leave benefits to eligible employees.

#### **1. Annual Leave**

Annual Leave is provided to foster periods of rest and relaxation for employees through time away from work. The use of Annual Leave may be approved for any purpose that would require an employee to be away from the office, even if another leave type (such as Sick Leave or Bereavement Leave) could also be used.

#### **2. Sick Leave**

Sick Leave is intended to be used when an employee is unable to work due to a physical, mental, or emotional illness, disorder, injury, or disability, or health care provider appointments for the employee or an Immediate Family member, childbirth, the necessary care of, or attendance to, an Immediate Family member, and/or exposure to a contagious disease when the employee's attendance at duty jeopardizes the health of others.

### **B. Leave Accrual Schedule**

Sick Leave and Annual Leave are separately accrued each pay period. Sick Leave begins to accrue on the employee's first day of employment. Annual Leave equivalent to five days (based on the employee's Value of a Day) will be advanced to all new hires who work in regular (non-temporary) positions and are authorized to work for 20 or more regular scheduled hours per week. Long-term temporary (more than 90 days) employees who are authorized to work 30 or more regularly scheduled hours per week are also eligible for advanced leave benefits as of their date of hire. Employees who work in regular (non-temporary) positions and authorized to work for 20 or more regular scheduled hours per week and long-term temporary (more than 90 days) employees will begin to accrue leave as of the 12<sup>th</sup> pay period. Employees designated as Executive Staff will be advanced Annual Leave equivalent to ten days as of their date of hire and will begin to accrue leave as of the 23<sup>rd</sup> pay period. If an employee leaves County employment during the first year of employment, the leave will be reconciled as outlined in Section 6.11(E)(1).

The amount of Sick and Annual Leave accrued per pay period is based on the number of hours authorized for the position, as shown in the following schedule:

<b>Weekly Authorized Hours</b>	<b>Bi-Weekly Authorized Hours</b>	<b>Sick Leave Hours Accrued Per Pay Period</b>	<b>Annual Leave Hours Accrued Per Pay Period</b>
47.5+	95+	4.75	4.75
45-47	90-94	4.50	4.50
42.5-44.5	85-89	4.25	4.25
40.5-42.0	81-84	4.00	4.00
38-40	76-80	3.75	3.75
35-37.5	70-75	3.50	3.50
32.5-34.5	65-69	3.25	3.25
30-32	60-64	3.00	3.00
27.5-29.5	55-59	2.75	2.75
25-27	50-54	2.50	2.50
22.5-24.5	45-49	2.25	2.25
20-22	40-44	2.00	2.00
Less than 20 Hours	Less than 40 Hours	0.00	0.00

Employees who are regularly scheduled to work more than the authorized hours for the position will accrue leave based on the authorized hours for their position. Employees who are regularly scheduled to work less than the authorized hours for the position will accrue leave based on their regularly scheduled biweekly hours.

**C. Longevity Leave**

Longevity Leave is additional Annual Leave days provided to employees as described above based on the length of County service. The following chart depicts the number of days of Longevity Leave that are earned each year based upon years of service. Longevity Leave days are added to the employee’s Annual Leave balance on January 1 or July 1 of each year, depending on the employee’s Anniversary Date. The number of hours of Longevity Leave awarded are calculated based upon the Value of a Day and the employee’s Anniversary Date in accordance with the following schedule:

<b>Completion of Service Year</b>	<b>Longevity Days</b>
2	1
3	2
4	3
5	4
6	5
7	6
8	7
9	8
10	9
11	10
12	11
13	12

**D. Carryover of Leave Balances**

1. Annual Leave Balances<sup>2</sup>

Any Annual Leave balance above 364 hours, or 450 hours for Executive Staff, shall convert to the equivalent amount of Sick Leave at the end of the leave year. Any Annual Leave balance of 364 hours or below, or 450 hours or below for Executive Staff, shall automatically roll over to the next leave year.

2. Sick Leave Balances

Sick Leave balances automatically roll over to the next leave year. There is no limit on the number of Sick Leave hours that can be accumulated, maintained, and carried over from one calendar year to the next.

**E. Payment Upon Separation**

1. Annual Leave

Upon separation from County employment, or upon transfer to a non-benefit-eligible position, an employee shall be paid for the unused balance of his or her Annual Leave, not to exceed 364 hours, subject to applicable federal, state, and FICA withholdings. The hourly rate used to calculate payment of Annual Leave will be the rate of pay at time of separation. If an employee separates from County employment during the first 11 pay periods, Annual Leave payment will be prorated based on the length of employment. If, at the time of separation, an employee has used more Annual Leave than the prorated accrual, the employee will be required to pay the excess advanced Annual Leave used. Conversely, if the employee has used less Annual Leave than the prorated accrual, the employee will be paid the difference between the prorated and the actual amount of leave used. Executive Staff shall be paid for the unused balance of Annual Leave up to 450 hours.

2. Sick Leave<sup>3</sup>

An employee who separates from employment with the County, or who transfers to a non-benefit-eligible position, shall receive a cash payment for unused accrued Sick Leave, subject to applicable federal, state, and FICA withholdings, calculated based on the rate of pay in effect at the time of separation as defined below:

Completion of Service Year	Percent of Sick Leave payment (up to maximum payment)
10-14 years	25% up to \$10,000 per lifetime
15-19 years	25% up to \$15,000 per lifetime
20 or more years	25% up to \$20,000 per lifetime

Employees who have not completed at least 10 Service Years at the time of separation will not receive any cash payment for unused Sick Leave.

<sup>2</sup> This provision shall become effective at the end of Leave Year 2021

<sup>3</sup> This provision shall become effective on July 1, 2021. Employees who separate from employment with the County, or who transfer to a non-benefit-eligible position, prior to July 1, 2021 will be entitled to 25% up to \$10,000 after completion of a minimum of 10 Service Years.

## **6.12 ADDITIONAL LEAVE BENEFITS**

### **A. Bereavement Leave**

Up to five days of paid Bereavement Leave may be provided upon the death of a member of the employee's extended family. The five days provided are per incident. The maximum number of hours granted for Bereavement Leave is equivalent to 5 days at the employee's Value of a Day. There is no accumulation or carryover of Bereavement Leave days and no payment upon separation from County employment.

### **B. Civic Leave**

Civic Leave is paid leave to cover an absence from work that is necessary to accomplish a civic responsibility, such as jury duty, or in a non-work-related capacity as a required witness. Employees appearing in court either as a defendant or plaintiff in a non-work-related case are not eligible for Civic Leave.

An employee summoned for jury duty or who has been served with a witness subpoena to testify in a non-work-related capacity may be approved for leave under this provision for time required to be available to the Court (plus necessary travel time to or from work), not to exceed scheduled hours. No person who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his or her appearance for jury duty or begins before 3:00 a.m. on the day following the day of his or her appearance. Employees who are requesting Civic Leave will be required to furnish a copy of the official summons for jury duty or witness subpoena when seeking approval. Employees are not required to reimburse the County for any court-provided compensation while on Civic Leave.

### **C. Donated Leave**

If an employee or a member of the employee's Immediate Family is suffering from a medical emergency, they may request Donated Leave. A medical emergency is defined as a medical condition of the employee or an Immediate Family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available, apart from the donated leave plan. When all paid leave balances have been exhausted by the employee, additional leave may be available through leave donations. All employees who accrue leave benefits are eligible to receive leave donations.

The County Administrator shall establish and maintain administrative policies and procedures outlining other eligibility requirements for Donated Leave and the administration of this benefit. Leave donations may be used to supplement disability benefits (unless the employee is receiving Injury Leave benefits). The combination of disability benefits and leave donations may not exceed the employee's authorized regular bi-weekly salary. Leave donations may be used anytime within a 6 month leave period.

### **D. Exceptional Performance/Recognition Leave**

Exceptional Performance/Recognition Leave can be used as a reward for exceptional job performance or as recognition for other work-related accomplishments. Department Directors may provide up to six

full days of paid leave per employee per fiscal year. Leave may be granted by the Department Director in full day increments based on the Value of a Day for the employee's position. The County Administrator has discretion to approve additional days of paid leave.

All employees assigned to work in regular (non-temporary) positions and authorized to work for 20 or more regularly scheduled hours per week, and long-term temporary (more than 90 days) employees who are authorized to work 30 or more regularly scheduled hours, are eligible to receive Exceptional Performance/Recognition Leave (including employees who are still serving their probationary period). Exceptional Performance/Recognition Leave days may be carried over from one Leave Year to the next, with no limit on the number of days accumulated. Supervisors are responsible for maintaining records on the number of Exceptional Performance/Recognition Leave days granted to an employee and tracking the employee's use of this leave type.

#### **E. Exchange Time Leave**

All work beyond the authorized workday, workweek, or regularly scheduled hours must be pre-approved by the employee's supervisor. Employees who are non-exempt pursuant to the Fair Labor Standards Act ("FLSA") may elect to receive Exchange Time Leave, in lieu of pay, for hours worked more than the authorized workday, up to the FLSA work period defined in the Human Resources Policy Handbook Classification and Compensation policy. Exchange Time cannot be earned in lieu of overtime pay. The use of exchange time leave may be approved for any leave purpose.

Non-exempt employees will receive payment at year end for unused Exchange Time, except for Exchange Time earned during the last two full pay periods of the Leave Year, which will carry over to the following year. Non-exempt employees will be paid for all Exchange Time Leave balances upon separation from County employment.

Non-exempt employees who have earned Exchange Time and who transfer to an exempt position shall be paid any exchange time balances that exist at the time of transfer. The amount shall be calculated using the last rate of pay in effect as a non-exempt employee.

Generally, exempt employees are not eligible to earn Exchange Time Leave. However, the County Administrator is authorized to designate certain exempt positions as eligible to earn Exchange Time Leave based on operational need. Employees who serve in these designated positions are not eligible for the Personal Leave benefit identified in section 6.12(K).

#### **F. Family and Medical Leave**

It is the policy of the County to comply with the Family and Medical Leave Act of 1993 ("FMLA"), as amended, and any associated regulations. Family and Medical Leave of Absence ("FMLA leave") is defined as an approved absence available to eligible employees for up to 12 workweeks of unpaid leave per each 12-month period for a qualifying reason under the law.

##### **1. FMLA Qualifying Reasons**

- a. Birth of the employee's child or placement of a child with the employee for adoption or foster care
- b. For the employee to care for an immediate family member (spouse, son, daughter, or parent, but not in-law) with a serious health condition

- c. To take medical leave when the employee is unable to perform one or more of the essential functions of the employee's job because of his or her own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth)
- d. Because of a "qualifying exigency" arising out of the fact that an employee's spouse, son, daughter, or parent is on covered active duty or called to covered active-duty status (or has been notified of an impending call or order to covered active duty) as a member of the Reserve component of the Armed Forces in support of a contingency operation. Leave based on a "qualifying exigency" is also available to family members (spouse, son, daughter, or parent) of active duty military members who are or have been deployed to active duty in a foreign country. Qualifying exigencies may include:
  - i. Short notice deployment
  - ii. Military events and related activities
  - iii. Childcare and school activities
  - iv. Financial and legal arrangements
  - v. Counseling
  - vi. Rest and recuperation
  - vii. Post-deployment activities
  - viii. Additional activities to address other events which arise out of the covered military member's active duty or call to active-duty status.
- e. A special leave entitlement which permits eligible employees (spouse, son, daughter, parent, or next of kin of a covered service member) to take up to a total of 26 workweeks of unpaid leave (or the employee may substitute paid leave if he or she has accrued leave) to care for a covered service member with a serious injury or illness during a single 12-month period (one-time basis only). A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." "Covered service member" also includes a veteran who is discharged or released from military service under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans." The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA Leave to care for a covered family member.

## 2. FMLA Eligibility

To qualify for FMLA under this policy, the employee must meet all the following conditions as follows:

- a. The employee has worked for Loudoun County for at least 12 months. The 12 months need not have been consecutive. For the purposes of determining 12 months of employment, the prior seven years will be considered.
- b. The employee has worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence.
- c. The employee's physical work location is within a radius of 75 miles to his or her designated County worksite. Employees that telework full-time and are outside of this 75-mile radius may not be eligible for FMLA Leave.

Loudoun County reserves the right to deny requests for a FMLA where such a denial would be appropriate and authorized under applicable federal and state laws.

3. Duration of FMLA Leave

- a. Regular Leave: If eligible for FMLA, an employee may take up to 12 calendar workweeks of this leave within a 12-month period. The 12-workweek period is based on the employee's authorized workweek.
- b. If both the employee and spouse work for the County, both may only take a combined total of 12 workweeks in any 12-month period for the birth or placement of a child. Each employee is entitled to leave of up to 12 workweeks to care for a child or the employee's spouse with a serious health condition, for the employee's own serious health condition, or to care for the employee's parent (but not a parent in-law) with a serious medical condition.

4. FMLA Eligibility Measurement Period

Loudoun County will measure the 12-month eligibility period as a rolling 12-months, measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy and subtract that from the 12 workweeks of available leave. The balance represents the remaining leave available under the FMLA.

5. Use of Leave

An employee does not need to use his or her FMLA entitlement in one block. This leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Leave due to qualifying exigencies as defined above may also be taken on an intermittent basis.

6. Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of his or her job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment.

7. Certification of Family and Medical Leave and Leave for Exigency

- a. Employees must provide 30 days advance notice of the need to take FMLA Leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the department's normal call-in procedures.
- b. Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

Employees also must inform the County if the requested leave is for a reason that FMLA Leave was previously taken or certified. Employees may also be required to provide medical certification and periodic recertification supporting the need for leave.

8. Certification of Military Care Giver Leave

- a. Employees must provide 30 days advance notice of the need to take FMLA Leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the department's normal call-in procedures.
- b. Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the County if the requested leave is for a reason that FMLA leave was previously taken or certified. Employees may also be required to provide medical certification and periodic recertification supporting the need for leave.

9. Use of Paid or Unpaid Leave

While FMLA guarantees unpaid leave to eligible employees, employees may, but are not required to, use their own available accrued leave to cover any entitlement period. The substitution of paid time for unpaid FMLA Leave does not extend the length of FMLA Leave and the paid time will run concurrently with an employee's FMLA entitlement.

Upon written request, the County will allow employees to use accrued paid leave to supplement any paid disability or Workers' Compensation benefits. Receipt of disability benefits or Workers' Compensation benefits does not extend the maximum amount of leave time the employee is eligible for under the FMLA.

10. Continuation of Benefits

If applicable, Loudoun County will continue an employee's group health plan benefits during an approved FMLA leave at the same level and under the same conditions as if the employee was continuing to work. If paid accrued leave is substituted for unpaid leave, the County will deduct the employee's portion of any applicable health plan premium as a regular payroll deduction. If the employee's leave is unpaid, the employee is responsible for making the employee contribution toward his or her portion of benefit premiums. If the employee's premium is more than 30 days late, the applicable coverage may cease without further notice.

The use of FMLA Leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave. If the employee chooses not to return to work for reasons other than a continued serious health condition or other circumstances beyond the employee's control,

the County will request the employee to reimburse the amount paid for the employer's share of the cost of the employee's group health plan benefits during the FMLA Leave period.

Upon returning from FMLA Leave, employees are required to work 30 days from the date of return to ensure continued benefit coverage. If the employee fails to do so, benefits will be cancelled retroactively to the last day worked.

11. Return to Work Authorization

If the employee has taken leave for his or her own serious health condition, the employee may be required to provide a return-to-work authorization from his or her healthcare provider prior to returning to the workplace. For certain safety-sensitive positions, a return-to-work medical authorization is required from the employee's healthcare provider to certify the employee serving in such a position, after review of the job description, can perform the essential functions of his or her safety-sensitive position. If limitations are placed on the return-to-work authorization by the employee's healthcare provider, these limitations must be clearly stated. The DHR maintains a list of positions designated as safety-sensitive and therefore are subject to this requirement.

12. Restoration to Former or Equivalent Position

Loudoun County does not designate Key Employees as defined under the FMLA. All employees are granted equal job restoration rights, regardless of their position. Upon returning to work from approved FMLA Leave, the County will make every effort to place the employee in his or her former position or a position equivalent to the one held before the start of the leave, subject to any extenuating circumstances that may occur to the County's operations during the leave that would have affected the employee had he or she not been on leave. The position will be the same or one that is equivalent in terms of pay, benefits, and working conditions.

13. Notifications

The County will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employee rights and responsibilities. If they are not eligible, the employer will provide a reason for such ineligibility. The County will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the County determines that the leave is not FMLA-protected, the County will notify the employee.

14. FMLA Makes it Unlawful for the County to

- a. Interfere with, restrain, or deny the exercise of any right provided under the FMLA
- b. Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA

15. Enforcement

If an employee believes that the County has violated its obligations under FMLA Leave, the employee should report his or her concerns to the County's DHR. Employees also may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the County.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

**G. Injury Leave as Supplement to Workers' Compensation**

Injury Leave is provided as a supplement to Workers' Compensation benefits for employees who are injured while on duty without fault or negligence on their part. In order to receive Injury Leave benefits, an employee's claim must be compensable under Workers' Compensation.

Injury Leave is paid as the difference between the employee's annual salary level and the amount awarded through Workers' Compensation that is required to maintain, but not exceed, the employee's authorized gross base salary. The Departments of Human Resources and Finance and Budget will determine the most appropriate method to administer this policy in conjunction with Workers' Compensation benefits.

1. Limitations

Injury Leave benefits are provided for a maximum of 26 workweeks beginning on the date of initial injury and expires after 12 calendar months. An aggravation of an original injury does not extend the period of eligibility for Injury Leave. If an employee returns to work on a reduced schedule, Injury Leave benefits will be offset based on the hours worked. Once Injury Leave benefits are exhausted and the employee is unable to return to work, he or she will remain entitled to income replacement benefits provided by Workers' Compensation, long-term disability (LTD), and the supplemental use of available accrued leave. The employee is required to file for LTD within the elimination period and provide any information required for a claims determination to maintain eligibility for Injury Leave. Income replacement from any/all sources may not exceed 100% of employee's gross pre-disability earnings.

2. Benefit Commencement

Injury Leave begins as of the date of initial injury.

3. Documentation Requirements

During the period of Injury Leave, the County requires the employee to provide supportive documentation from his/her treating physician. The documentation must provide the nature and extent of the injury, including the probable period of disability. The County may obtain an independent medical evaluation that will be conducted at the County's expense. The employee is required to participate in any such independent medical evaluation to continue receiving this benefit.

4. Effect on Other Leave Types

An employee on Injury Leave is not eligible to receive any form of leave donation. Injury Leave runs concurrently with FMLA Leave pursuant to Section 6.12(F).

**H. Department Director Authority to Approve Extended Leave of Absence**

All employees are eligible for Extended Leave With or Without Pay, subject to approval by the employee's Department Director. Leave Without Pay is an unpaid absence from work that is not covered by FMLA Leave or any form of paid leave. Employees may request Extended Leave With or Without Pay for a variety of reasons, such as a health condition, educational pursuits, and personal, family, and childcare issues. The following provisions apply to all non-FMLA Leave-related requests for Extended Leave With or Without Pay:

1. Department Directors may approve Extended Leave With or Without Pay up to and including 13 consecutive calendar weeks.

2. Only the County Administrator may approve Extended Leave With or Without Pay requests that exceeds 13 consecutive calendar weeks.
3. If extended leave with or without pay is not approved, and the employee fails to report to work as scheduled, he or she is considered absent without authorization and is subject to termination.
4. An employee's benefits (health insurance, retirement, life insurance, accrual rates, etc.) may be reduced or eliminated when on leave with or without pay, in accordance with applicable law. Employees should contact the DHR for an evaluation of their specific situations and any resulting impact on benefits.

## **I. Military Leave**

A Military Leave of Absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA") and/or applicable state laws. Advance notice of military service is required, unless military necessity reverts such notice, or it is otherwise impossible or unreasonable. Provided the employee's absence does not exceed applicable statutory limitations, the employee will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws.

### **1. Military Leave with Pay**

Up to 15 workdays of Military Leave at full pay per federal fiscal year is provided to regular employees who are ordered to active duty or training as a member of the National Guard, U.S. military retirees or United States Armed Forces Reserves. Military Leave is prorated for those employees who work less than 7.5 hours per day. Under this section, "workday" is defined as the equivalent of the employee's Value of a Day.

#### **a. Use of Accrued Leave**

The employee may voluntarily use accrued Annual Leave after exhausting the 15 workdays of paid Military Leave, or Sick Leave for any period hospitalized, or for other authorized purpose while on duty.

#### **b. Military Leave Bank**

The Military Leave Bank is established for use when necessary, during a state or national emergency as declared by the County Administrator. If an employee has been called to active military duty and has exhausted all Annual Leave and Exchange Time Leave, the employee may use additional Annual Leave donated by other County employees to a Military Leave bank for use by employees on active duty. Donated Leave shall not be used for military training purposes unless the training precedes or is otherwise scheduled in conjunction with the active duty.

#### **c. Military Leave Pay Supplement**

If an employee has been called to active duty and is absent beyond 15 working days per federal fiscal year and the employee has exhausted all Annual Leave, exchange time leave, and Donated Annual Leave to the military leave bank, there will be no loss of pay if military pay is less than authorized County base pay. The pay supplement shall

be calculated based on the difference between the employee's County pay and the employee's authorized military pay. There shall be no pay supplement if military pay exceeds County pay. The Military Leave Pay Supplement shall not exceed twelve months unless authorized by the Board. This type of Military Leave With Pay will end on the date the employee is discharged from active service.

**2. Military Leave Without Pay**

Military Leave Without Pay is governed by this section and not those indicated in other policies pertaining to Leave Without Pay. Military Leave Without Pay will be approved, in accordance with federal and state law, for any regular employee who enlists, is inducted directly from County service into the Army, Navy, Marine Corps, Air Force, Coast Guard, Space Force, or Public Health Service, and is ordered to active duty or training as a member of the Reserves or National Guard.

**3. Seniority Retained**

All County pay and benefits that are calculated based on length of service shall continue without a break in service during periods of Military Leave or Military Leave Without Pay. An employee on Military Leave Without Pay is entitled to accrue subsequent paid leave at a rate as if no break in County service had occurred, and the employee's eligibility for retirement benefits may not be adversely affected if the employee applies to the retirement system for credit. All other County provisions for benefits apply as they would apply to any other employee on Leave Without Pay.

**4. Compliance with Federal and State Law**

All provisions related to Military Leave, Military Leave Without Pay, salary and benefits, and reinstatement to position after completion of military service shall comply with federal and state law. In the event of a conflict between County policy and federal or state law, the latter shall prevail.

**J. Paid Family Leave**

Family Leave is paid leave that enables the employee to take leave from work for any qualifying reason that would be covered under FMLA and as set forth in Section 6.12(F)(1) above. This leave shall run concurrently with any applicable FMLA. Paid Family Leave is available to eligible employees for qualifying absences occurring on or after September 1, 2021.

1. Eligibility: To qualify to take Paid Family Leave under this policy, the employee must meet all the following conditions:
  - a. The employee has completed their probationary period
  - b. The employee must be approved for FMLA Leave
  - c. The employee must be eligible for leave benefits

The County Administrator is authorized to implement administrative policies and procedures governing the eligibility for and use of Paid Family Leave.

2. Benefit Amount  
Eligible employees will receive a maximum of 6 workweeks of Paid Family Leave for a qualifying absence.
3. Limitations  
In no event will an employee receive more than 6 weeks of Paid Family Leave in a rolling 12-month period, regardless of whether there is more than one qualifying absence, or more than one birth, adoption or foster care placement event occurs within that 12-month time period. Approved Paid Family Leave for parental bonding may be taken at any time during the 12-month period immediately following the birth, adoption, or placement of a child with the employee, and may not be used or extended beyond this 12-month time period. Unused Paid Family Leave will not carry over to another 12-month period and will not be paid to an employee upon separation of employment.
4. Concurrence with FMLA  
Paid Family Leave taken under this section shall run concurrently with FMLA; thus, any leave taken under this section that falls under the definition of circumstances qualifying for a Leave of Absence due to the employee's serious health condition, the serious health condition of a covered family member, or the birth or placement of a child due to adoption or foster care and will be counted toward the 12 weeks of available FMLA Leave within a 12-month period. All other requirements and provisions under the FMLA will apply in accordance with Section 6.12(F). In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period.
5. Interaction with Other Leave Types  
Eligible employees must exhaust Paid Family Leave prior to using Donated Leave.

## **K. Personal Leave**

Personal Leave is provided to exempt employees in recognition of frequent hours worked more than the scheduled workday/workweek that may be required to accomplish the job requirements of the position. Hours that are not eligible for overtime pay or exchange time. The use of paid Personal Leave may be approved for any leave purpose, e.g., Annual Leave, Bereavement Leave, Sick Leave, etc.

1. Accrual Rates  
Exempt employees are granted 5 days<sup>4</sup> of Personal Leave and employees designated as Executive Staff are granted 10 days<sup>5</sup> of Personal Leave at the beginning of each Leave Year. Non-exempt employees who are appointed on an acting basis to an exempt position shall be granted 1.25 days of Personal Leave for each three completed months of the acting appointment.
2. Limitations on Balances  
Personal Leave days may be carried over from one Leave Year to the next, with no limit on the number of days accumulated.

<sup>4</sup> The Personal Leave enhancement of 5 days will be effective at the beginning of Leave Year 2022. Prior to the effective date, new hire exempt benefit-eligible employees and employees who transfer from a non-exempt to exempt position are eligible for 3 days of Personal Leave.

<sup>5</sup> The Personal Leave enhancement of 10 days for incumbent Executive Staff will be effective at the beginning of Leave Year 2022. Prior to the effective date, Executive Staff new hires are eligible for 10 days of Personal Leave.

3. Effect of Separation  
There is no payment of Personal Leave balances upon separation from County employment.
4. Effect of Transfer to Non-Exempt Position  
Employees who have earned Personal Leave and who transfer to a position that is not eligible for Personal Leave may retain and use Personal Leave balances that were previously earned.

Pursuant to Section 6.12(E) the County Administrator may designate certain exempt positions as eligible to earn Exchange Time Leave based on operational need. Employees who serve in these designated positions shall earn Exchange Time Leave in lieu of the Personal Leave benefit described above.

#### **L. Volunteer Leave<sup>6</sup>**

Volunteer Leave is paid leave that may be used to participate in community-based volunteer activities and initiatives to include educational, charitable institutions, and community service entities. All requests for Volunteer Leave are subject to the approval of the Department Director or designee.

1. Eligibility  
Benefit-eligible employees shall seek advanced approval from their Department Director or designee. Volunteer Leave should not interfere with the employee's job performance or the timely completion of job tasks or work priorities, create need for overtime, or cause conflicts with other employees' schedules.
2. Benefit Amount  
Benefit-eligible employees shall be granted 12 hours of paid Volunteer Leave per Leave Year.
3. Carryover  
Volunteer Leave may not be carried over from one Leave Year to the next. Volunteer Leave is not paid out upon separation from employment.
4. Use of Leave  
The amount of Volunteer Leave to be debited shall be computed based on the exact number of hours an employee is scheduled to work in the period when the leave is taken. If the employee does not have sufficient Volunteer Leave hours remaining to compensate his or her absence, the employee may be permitted to use accrued Annual Leave or Personal Leave, upon approval by his/her Department Director or designee.
5. Volunteer Leave  
May not be used for organizations that discriminate based on race, color, age, gender, religious creed, veteran status, marital status, sexual orientation, pregnancy, childbirth,

<sup>6</sup>New benefit effective beginning of Leave Year 2022.

national origin, or ancestry, physical or mental disability, medical condition or genetic information, or political affiliation, or would otherwise bring the County into disrepute. Volunteer Leave may not be used to engage in activities that would pose a conflict of interest and/or are similar or related to the essential functions of the employee's position. The employee may not receive anything of value in exchange for his or her volunteer work.

### **6.13 LEAVE APPROVAL AND REPORTING**

The County Administrator shall establish and maintain administrative policies and procedures governing unauthorized leave, Sick Leave abuse, violations of departmental "call in" procedures, and other leave abuses.

#### **A. Annual Leave**

1. Requests for Annual Leave

Requests must be submitted in advance to the employee's supervisor. Employees are responsible for requesting Annual Leave far enough in advance to obtain supervisory approval prior to taking the leave. Supervisors have the authority to approve or deny Annual Leave requests based on staffing concerns, operational needs, and concerns related to the timely completion of the employee's assigned work.

2. Mandatory Leave for Positions of Trust

All regular employees in full-time or part-time Positions of Trust are required to take five consecutive workdays of leave each calendar year during the second and subsequent full calendar years of employment. Positions of Trust are defined as positions requiring employees to receive or disburse monies, reconcile, or journalize accounts, process payroll transactions beyond the approval of timecards for direct reports, purchase goods and services, process cash or credit card transactions, and/or be directly responsible for the management of County funds. The DHR maintains a list of designated Positions of Trust and the designation is indicated on the employee's job description. All positions of trust are approved by the County Administrator or his or her designee.

Employees in Positions of Trust required to take five consecutive workdays of leave are expected to use their accrued Annual Leave for this purpose. If an employee does not have sufficient accrued Annual Leave, then he/she may use Personal Leave or a floating holiday and/or may be required to take Leave Without Pay. Intervening paid holidays and unscheduled days off shall not be counted toward the requirement of five consecutive workdays of leave. Supervisors are responsible for ensuring that employees take the required leave each calendar year. Failure to take the required leave may result in disciplinary action.

#### **B. Sick Leave**

The use of Sick Leave is limited to the reasons outlined in Section 6.11(A)(2) above. The County acknowledges that the frequency and duration of Sick Leave will vary based

on the individual employee's health and/or the health of his or her immediate family members. Employees who must use Sick Leave, or other available leave in place of Sick Leave, frequently or for an extended duration (more than three continuous days) due to their own serious health condition or that of a covered family member should review the County's FMLA policy as outlined in Section 6.12(F) above and apply for Family and Medical Leave.

**C. Unscheduled Leave**

Unscheduled leave is a term used in the context of severe weather situations or other severe unforeseen circumstances which prevent normal County operations. In these situations, prior supervisory approval is not required, and the County will allow liberal use and approval of paid leave (other than Sick Leave) or Leave Without Pay on those days. If an employee is scheduled to work on a day that is declared unscheduled leave and does not report to work that day, the employee shall decide whether to use accrued leave benefits (except for Sick Leave) or Leave Without Pay when all leave balances have been exhausted. Employees who elect to use unscheduled leave are required to provide notice to management in accordance with their department's call-out procedures. Employees in essential positions or public safety positions may be required to report to work on unscheduled leave days.

**D. Misuse of Leave**

The County Administrator shall establish and maintain administrative policies and procedures governing requests to use paid leave and the reporting, approval, and denial of paid leave. While not exhaustive, the following actions shall constitute a misuse of County leave and shall subject an employee to discipline, up to and including a termination of employment:

1. Failure to accurately report leave to cover time off from work
2. Falsely reporting hours worked
3. Failure to follow the department's and/or supervisor's established procedures for reporting absences and/or tardiness ("call out" procedure)
4. Failure to provide adequate notice or last-minute requests for Annual Leave on a frequent basis (e.g., for the same or next business day)
5. Sick Leave (including Paid Family Leave and leave donated for the purpose of Sick Leave) usage patterns that suggest the employee is utilizing the requested leave for a non-qualifying reason, to include: (a) A pattern of requesting or taking Sick Leave on a Monday or Friday, or consistently requesting or taking Sick Leave on the same day of the week or same work day; (b) A pattern of routinely requesting Sick Leave or calling in sick as paid leave hours are accrued; (c) A pattern of requesting Sick Leave or calling in sick directly preceding or directly following a Holiday, pre-approved Annual Leave or otherwise normally scheduled day off; or (d) A pattern of depleting Sick Leave accruals to less than the equivalent of three available days in the employee's Sick Leave balance; (e) A pattern of calling in sick after a denied Annual Leave or Personal Leave request; (f) A failure on the part of the employee to

- apply for Family and Medical Leave or provide the required supporting documentation despite a pattern of Sick Leave usage that suggests the employee (or a covered family member) may have a qualifying health condition; and/or (g) A failure to accurately report intermittent FMLA hours as required by County policy
6. Falsifying a report of a work-related injury to receive Injury Leave

In the event a supervisor suspects the misuse of Sick Leave, the Department Director, in consultation with the DHR, may require an employee to produce a note from a healthcare provider supporting the need for Sick Leave.

## **6.14 ADMINISTRATIVE LEAVE**

### **A. Administrative Leave**

Paid leave initiated by a Department Director or the County Administrator (as opposed to the employee). Administrative Leave may be authorized for the purposes of resolving or conducting an inquiry or investigation into a work-related allegations or complaints, diffusing or mediating work-related conflicts, prior to delivering a disciplinary action, up to and including termination of employment, to an employee, or upon notification that an employee has been arrested or is the subject of a criminal investigation. Department Directors may authorize up to 10 working days and the County Administrator may authorize additional days of Administrative Leave as required for these purposes.

### **B. Emergency Administrative Leave**

Department Directors may authorize up to one day of Emergency Administrative Leave for emergency, work-related incidents, or reasons. Department Director authority to approve emergency administrative leave pursuant to this section is limited to situations or incidents where a short-term need exists to remove the employee(s) from the worksite for the benefit of the organization in that their continued presence could be detrimental to the employee(s), services, or facility. The Department Director will be required to account for the reason the Administrative Leave was authorized. The County Administrator may authorize Emergency Administrative Leave for other types of emergency situations at his or her discretion.

### **C. Non-Disciplinary Terminations**

Chapter 10 of the HR Handbook authorizes Department Directors to provide up to 14 calendar days' notice, up to 30 calendar days (4 workweeks for supervisory employees), or the equivalent amount of Administrative Leave for non-disciplinary terminations. The County Administrator is authorized, but not required, to grant up to 30 calendar days (4 workweeks) of Administrative Leave to employees who are not re-appointed by a Constitutional Officer at the start of the officer's term in office and up to 60 calendar days (8 workweeks) of Administrative Leave prior to the voluntary or involuntary separation of Executive Staff.

- a. The employee must be informed in writing of the Administrative Leave period and the general reason why he or she is being placed on Administrative Leave. While on Administrative Leave, the employee shall be required to make himself or herself available during working hours as needed.
- b. Administrative Leave does not affect other accrued leave balances and employees continue to accumulate Annual and Sick Leave while on Administrative Leave.

## BENEFITS ELIGIBILITY SUMMARY (APPENDIX A)

	Regular < 40 Hrs Bi- Weekly	Regular 40-59 Hrs Bi- Weekly	Regular 60+ Hrs Bi-Weekly <sup>1</sup>	Long-Term Temporary 60+ Hrs Bi-Weekly (> 90 days)	Temporary ACA Reclass <sup>13</sup>	Temporary All Other <sup>14</sup>
<b>LEAVE TYPES/BENEFITS:</b>	< 20 hrs/wk	20-29 hrs/wk	30+ hrs/wk	30+ hrs/wk	n/a	< 30 hrs/wk; 30+ hrs/wk (< 90 days)
Administrative Leave		✓	✓	✓		
Annual Leave (including Longevity Leave) <sup>1</sup>		✓	✓	✓		
Bereavement Leave		✓	✓	✓		
Civic Leave		✓	✓	✓		
Exceptional Performance/Recognition Leave	✓	✓	✓	✓		
Exchange Time Leave <sup>2</sup>	✓	✓	✓	✓		
Family and Medical Leave (FMLA) <sup>3</sup>		✓	✓	✓	✓	✓
Holidays <sup>1</sup>		✓	✓	✓		
Injury Leave		✓	✓	✓		
Leave Donations <sup>4</sup>		✓	✓	✓		
Leave without Pay	✓	✓	✓	✓	✓	✓
Military Leave	✓	✓	✓			
Paid Family Leave		✓	✓	✓		✓
Personal Leave <sup>5</sup>			✓			
Sick Leave <sup>1</sup>		✓	✓	✓		
Volunteer Leave		✓	✓	✓		
<b>HEALTH AND WELFARE BENEFITS:</b>						
Group Health Plan <sup>6</sup>		✓	✓	✓	✓	
Limited Term Disability <sup>7</sup>			✓			
Long Term Care Insurance (LTC)		✓	✓	✓		
VRS Basic and Optional Life Insurance <sup>8</sup>			✓			
<b>RETIREMENT BENEFITS:</b>						
Deferred Compensation – 457 Plan	✓	✓	✓	✓		
Payroll Roth IRA	✓	✓	✓	✓		
Social Security (FICA)	✓	✓	✓	✓	✓	✓
VRS Retirement Benefits <sup>9</sup>			✓			
Retiree Health <sup>10</sup>			✓			
Retiree Health Savings Program (RHSP) <sup>11</sup>			✓			
<b>FLEXIBLE BENEFITS PLAN:</b>						
Dependent Care Flexible Spending Account (matching County contribution up to \$1,000 per year) <sup>15</sup>		✓	✓	✓		
Health Care Flexible Spending Account		✓	✓	✓	✓	
<b>ADDITIONAL BENEFITS:</b>						
Credit Union Membership	✓	✓	✓	✓	✓	✓
Employee Assistance Program (EAP)	✓	✓	✓	✓		
Tuition Assistance Program (TAP) <sup>12</sup>			✓			
Virginia Prepaid Education Program (VPEP)	✓	✓	✓	✓	✓	✓

<sup>1</sup> Annual / sick leave and paid holidays are prorated depending on the employee's scheduled hours. Employees whose anniversary date falls between January 1 and June 30 will be credited with appropriate Longevity leave hours on January 1. Employees whose anniversary date falls between July 1 and December 31 will be credited with appropriate Longevity leave hours on July 1.

<sup>2</sup> May be used only by employees who earn Exchange Time.

<sup>3</sup> An employee must work for at least 1250 hours within the preceding 12 months period to be eligible for FMLA.

<sup>4</sup> All employees who accrue leave benefits are eligible to receive leave donations.

<sup>5</sup> Must be classified as an Exempt Employee.

<sup>6</sup> Enrollment must be completed within 45 days of hire or 30 days of an employment status change. Benefits are effective the 1<sup>st</sup> day of the month following enrollment.

<sup>7</sup> Enrollment is automatic for the disability plan at no cost to the employee. Enrollment in the buy-up option must be completed within 31 days of hire. Enrollment after the initial 31 days is subject to Evidence of Insurability. Buy-up premiums are paid in full by the employee.

<sup>8</sup> Enrollment for Optional Life must be completed within 31 days of hire. Enrollment after the initial 31 days is subject to Evidence of Insurability.

<sup>9</sup> Membership includes regular employees who are scheduled to work 30 or more hours per week in a VRS covered position.

<sup>10</sup> Refer to Appendix B.

<sup>11</sup> VRS eligible employees designated as Group C & D (employees with a date of hire on or after 1/1/13 are Group D). Contingent on participation in the Group Health Plan.

<sup>12</sup> Employee must have completed probationary period to qualify.

<sup>13</sup> Includes regular part-time and temporary employees who qualify after working, on average, 30 hours per week during the designated measurement period. Hours worked in multiple positions are considered for the total weekly hours worked.

<sup>14</sup> Includes temporary employees working less than 30 hours per week AND temporary employees working 30+ hours per week for less than 90 calendar days.

<sup>15</sup> Temporary employees are not eligible for the dependent care matching County contribution.

## **Group Health Plan**

The Loudoun County Group Health Plan is administered in accordance with Section 125 Pre-Tax Rules and Regulations (26 CFR 1.125-4) of the Internal Revenue Code. To comply with these rules, the enrollment election must be initiated within 30 days of the qualifying event; the *effective date* for an employee or dependent(s) who initially elects coverage or who elects to change coverage under the Plan due to a qualifying event shall be *the first of the month following* the date the employee incurs a qualifying change in family, dependent, or employment status.

- ✓ Qualifying event changes that are made due to the birth, adoption, or placement for adoption of a child are effective on the date of the event.
- ✓ IRS regulations stipulate that retroactive premium changes will only apply for election changes made due to birth or adoption of a child.
- ✓ Documentation to support a dependent's eligibility or a qualified event must be received by the Department of Human Resources no later than the last day of the month in which coverage should become effective for review before the coverage change may be approved.

## APPENDIX B - Retiree Eligibility for County Health Plan Summary (Revised March 2021)

### Eligibility Criteria

- 1) **Retiree** – defined as individuals who retired from County of Loudoun employment & immediately begin receiving a retirement annuity from VRS. Individuals who resign from employment and delay receipt of retirement benefits from VRS are not considered retirees. Employee must be enrolled in the County of Loudoun or LCPS Group Health Plan at the time of retirement.
- 2) **Minimum of 15 years of service**<sup>1</sup> – Years of service are computed based on the number of full-time years of employment in a benefit eligible position with the County of Loudoun.<sup>2</sup>
  - a) Part-time service in a benefit eligible position is pro-rated and converted to a full-time equivalent<sup>3</sup>.
  - b) Non-covered service with the County of Loudoun that is purchased through VRS as covered service will be applied toward total years of service.
  - c) Service with LCPS will be applied in accordance with (2) (a) (b).

**Benefit Eligible Position** – must include eligibility to participate in the County of Loudoun and/or LCPS Group Health Plan.

- 3) **Retiree & Dependents** – must be enrolled in the County of Loudoun and/or LCPS Group Health Plan at the time of the employee’s retirement including the preceding 12 months and 3 out of the last 5 years.

Retirees are not eligible to add dependents after retirement unless they satisfy the dependent eligibility in (3) unless required by state / federal law. In the event of a divorce, the retiree’s ex-spouse is no longer eligible for the Plan and will be extended COBRA coverage.

The spouse of a deceased retiree is eligible to retain coverage if covered at the time of the retiree’s death.<sup>4</sup>

- 4) **Disability Retirees** – Non-work related disability retirees are subject to the same years of service requirements as other retirees with regard to their eligibility and premium level. Disability retirees are required to enroll in Medicare Parts “A” and “B” at the time they become eligible and provide proof of enrollment 45 days prior to the Medicare coverage effective date in order to retain coverage under the County’s plan.
- 5) **Medicare Enrollment Required** – Retirees / spouses / dependents who are eligible for Medicare Parts “A” & “B” must enroll for Medicare coverage and provide proof of enrollment 45 days prior to the Medicare coverage effective date in order to retain supplemental coverage under the County’s plan.

**Plan options available for pre-65 retirees and Medicare eligible retirees can be found on the County Internet at [www.loudoun.gov/retiree](http://www.loudoun.gov/retiree).**

**Re-enrollment rights:** Retirees may waive coverage under the retiree health plan if coverage is available under another plan, and later opt back in at the same level of coverage in effect at the time of their retirement with proof of creditable coverage (requires continued coverage with no lapse in coverage).

<sup>1</sup> Minimum of 10 years of service for Group A eligible employees.

<sup>2</sup> Percentage of monthly premium is based on the number of years of service.

<sup>3</sup> VRS conversion formula.

<sup>4</sup> Premiums are determined by the level of coverage and the retiree’s years of service.

## APPENDIX B - Retiree Eligibility for County Health Plan Summary (Revised March 2021)

### Retiree Cost & Payment

The Loudoun County Board of Supervisors adopts premium levels annually. Premiums paid by the retiree are determined by the plan elected, level of coverage and the retiree’s years of service. The “greater of” (not combined) years of service is used to determine premium level for dual service retirees. Generally, ACH is the required method of payment. Premiums are deducted on a monthly basis by a third-party vendor contracted by the County. Premiums are due in full monthly on the date designated. Unpaid premiums will result in cancellation of coverage. Retirees will receive one (1) reminder of delinquent premiums before cancellation. Coverage will be cancelled as of the last day of the month in which premiums were paid.

Group	Eligibility Criteria	County Contribution
<b>A</b>	Current retirees and employees who were within 15 years of their VRS normal retirement date (“NRD”) as of January 1, 2013 and employees who had 20 or more years of service as of January 1, 2013 but were not yet within 15 years of their NRD.	A County contribution of monthly premium for the County Health Plan subject to a maximum County contribution rate. Monthly premium amounts are set on an annual basis.
<b>B</b>	Current employees who were 35 years of age and older as of January 1, 2013, excluding any employee included in Group A.	A County contribution of monthly premium for the County Health Plan based on years of service and Medicare eligibility. Monthly premium amounts are set on an annual basis.
<b>C</b>	Current employees who were less than 35 years of age as of January 1, 2013.	The County will contribute toward a Retiree Health Savings Plan. Such contribution is paid semi-monthly contingent on the employee’s participation in the County’s Health Plan as a retiree. Employees in Group C who meet the eligibility criteria may enroll in the County’s retiree health plan but will not be eligible for premium cost sharing (i.e. the employee will be responsible for 100% of the premium cost).
<b>D</b>	New employees hired on or after January 1, 2013.	The County will contribute toward a Retiree Health Savings Plan. Such contribution is paid semi-monthly contingent on the employee’s participation in the County’s Health Plan as a retiree. Employees in Group D who meet the eligibility criteria may enroll in the County’s retiree health plan but will not be eligible for premium cost sharing (i.e. the employee will be responsible for 100% of the premium cost).