

IV. Leave Policies

A. Annual Leave Approved 04/02/13, 10/21/14, 01/21/20, 06/15/21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Annual Leave Scheduling Approved 04/02/13

An employee may take annual leave at any time of the year as long as he or she has accumulated the leave and the needs of the department are met. The employee must submit his or her annual leave request to the supervisor at least two (2) weeks in advance for approval. Leave not requested two (2) weeks in advance may not be approved. Each department may have a special form or procedure for requesting use of annual leave.

C. Sick Leave Approved 04/02/13, 10/21/14, 12/20/16, 06/15/21, 08/15/23, 02/20/24

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

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

A probationary employee may earn and utilize sick leave during the probationary period. A healthcare provider’s note may be required.

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

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

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

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

No employee may borrow sick leave.

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

If an employee depletes all sick leave, annual leave, or PTO, he or she may request leave donation pursuant to section *IV.P Leave Donation*.

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

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

D. Sick Leave Notification and Approval Approved 04/02/13

To be eligible for sick leave in case of an illness or injury that would prevent the employee from reporting to work at the scheduled time, notice must be confirmed to his or her supervisor, next level manager, Appointed Department Head or Appointing Authority. If notice is given, the employee will still be considered tardy once he or she arrives at work. The Appointing Authority and/or Appointed Department Head of the department may further define specific departmental requirements.



Notice must be confirmed to the employee's supervisor, next level manager, Appointed Department Head or Appointing Authority. Leaving a message does not meet this requirement.

If an employee is absent for less than three (3) consecutive working days, the supervisor may or may not require that the employee provides a healthcare provider's statement.

To be eligible for sick leave with pay during a continuous period of three (3) working days or more, the employee must provide a healthcare provider's statement showing the cause or nature of the illness or injury and expected return to work date, or a written statement of the facts concerning the illness or injury which is acceptable to the employee's supervisor.

If an employee is out on sick leave for three (3) or more consecutive working days and qualifies for protection under the Family and Medical Leave Act (FMLA), the supervisor is responsible for notifying Personnel. Personnel is responsible for ensuring that all FMLA guidelines are followed.



You must provide your supervisor with a statement from a health care provider if you are absent for 3 or more consecutive days due to illness or injury. Your supervisor may decide to accept some other form of written statement.

E. Bereavement Leave / Funeral Leave Approved 04/02/13, 10/21/14, 06/18/19

Full-time employees and Appointed/Appointed Contract employees are entitled to three (3) bereavement days at regular pay (not including overtime) with no deduction from leave accruals due to the death of any of these persons in his or her family:

- Spouse
- Parent
- Son or daughter
- Brother or sister
- Grandparent
- Grandchild
- Step-relatives of the above categories
- In-laws of the above categories
- Any person actually residing in the employee's household.

Additionally, an employee may use up to two (2) additional consecutive days of leave, totaling five (5) days of leave. These two (2) additional days will be deducted from the employee's sick leave balance. If no sick leave remains, he or she must use annual leave. If no annual leave remains, he or she must take leave without pay.

The employee's supervisor will make the final decision on the additional number of approved days for bereavement leave based on factors such as required travel and level of involvement in funeral arrangements. Other factors may also be considered.

Any bereavement period that is expected to go over the five (5) day limit requires approval from the employee's supervisor, and the employee must use his or her annual leave.

F. Holidays Approved 04/02/13, 10/21/14, 12/20/16, 07/20/21, 08/15/2023

Baldwin County observes the holidays listed below. Full-time employees are eligible to be paid for these holidays if he or she is in a paid status. The Commission will announce any additional holidays. Offices may be closed without further notice on the following days:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Mardi Gras Day
- Good Friday
- Memorial Day
- Juneteenth Independence Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day

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

Employees are required to be present at work on the workday scheduled immediately preceding and following a holiday unless leave has been pre-approved. If an employee is absent due to illness, he or she must present a doctor's excuse to be paid for the holiday. If an employee is on leave without pay the day before or the day after a holiday or has leave without pay for the whole week of the holiday, then the employee will not be eligible for holiday pay.

If an employee is scheduled to work on a holiday and calls in sick, he or she must present a doctor's excuse to be paid for the holiday. If an employee is on leave without pay the day before or the day after a holiday, but works the holiday, then the employee will be eligible for holiday pay.

All eligible full-time and Appointed/Appointed Contract employees shall receive eight (8) hours pay at their regular base pay rate for each paid holiday. Should any hourly employee be required to work on a holiday, he or she shall receive holiday pay plus hours worked.

If an employee wishes to observe a religious holiday, the employee must communicate with his or her supervisor to make arrangements. Annual leave will be used for time off taken for religious holidays. If the employee has no accrued annual leave, he or she shall use leave without pay.

G. Part-Time Employee Paid Time Off (PTO) Approved 04/02/13, 10/21/14, 12/20/16, 06/15/21

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

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

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

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

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

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

H. Leave without Pay Approved 04/02/13, 10/21/14, 12/20/16, 06/15/21

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

Appointing Authorities and/or Appointed Department Heads may approve up to, but not more than, twenty-four (24) hours of leave without pay, per employee, within a year of first taking Leave without Pay. The Personnel Director and/or the Appointing Authority or Appointed Department Head must act upon (either deny or approve) requests which will result in the

employee taking more than twenty-four (24) hours, but no more than forty (40) hours, of leave without pay within a year of first taking Leave without Pay.

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

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

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

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

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

I. Leave of Absence Approved 04/02/13, 08/16/17

If an employee exhausts all of his or her annual, sick, and FMLA leave and still needs additional time off for personal or health reasons, he or she may apply for an unpaid leave of absence for a period of up to three (3) months. The request for leave must be given to the employee's supervisor and Appointed Department Head at least thirty (30) days prior to the start of the requested leave date unless the leave is an emergency. Any request for leave of absences must be approved or denied by the County Commission.



To request a leave of absence, submit a written request to your supervisor and the department director at least 30 days in advance, unless the leave is an emergency. State the reason for the leave, date you want it to begin and date you expect to return to work. It must be approved by the County Commission.

Regardless of the reason for the leave, it is essential that the following departments be notified to ensure that benefits are properly administered:

- Personnel Department and Payroll Department

The Baldwin County Commission may or may not approve the request for a leave of absence. The decision is at their discretion unless the leave qualifies under the Family Medical Leave Act. Factors considered in approving the request are the employee's length of service, employment record and the reason for the absence.

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

The employee must notify his or her supervisor of the anticipated return to work date prior to that date. The supervisor is responsible for immediately notifying the Personnel Department. If an employee fails to return to work at the conclusion of the leave of absence without pay, he or she shall be terminated from employment.

There may be changes in employee benefits during a leave of absence. Please contact the Personnel Department to determine what changes may be experienced.

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

J. Administrative Leave with Pay Approved 04/02/13

Any Appointing Authority or Appointed Department Head, in consultation with the Personnel Director, may require any employee to take up to ten (10) days of administrative leave with pay. Administrative leave with pay is typically utilized during internal investigations of an employee or group of employees prior to deciding whether disciplinary action should be imposed against one or more employees. Administrative leave with pay may also be utilized for the purpose of fit for duty evaluations.

K. Family Medical Leave Act (FMLA) Approved 04/02/13, 08/16/17, 06/15/21, 02/20/24

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

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

- a. The birth or placement of a child for adoption or foster care (includes legal guardianship);

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

6. **Health Insurance Premiums:** During FMLA leave, the County will continue to pay its portion of the health insurance premiums, and the employee must continue to pay his or her full portion of the premium. The employee's contribution to health insurance premiums should be paid continually according to the County pay periods (e.g., bi-weekly) if the employee is on paid leave status. Employees on unpaid leave status will be issued a monthly invoice from the Accounting Department. Employees may remain on County benefits until all sick, and annual leave have been exhausted. Once sick and annual leave have been exhausted, the employee will be offered COBRA Continuation of Coverage. Upon return from FMLA, any premiums not paid by the employee will be deducted through payroll.

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

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

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



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

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

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

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

L. Military Leave Approved 04/02/13

Employees who are active members of the Alabama National Guard, Naval Militia or the Alabama State Guard organized in lieu of the National Guard, or any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they are engaged in field or coast defense or other training or on other service ordered under the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, seniority, annual leave or sick leave. An employee receiving authorization for leave with pay will be paid in accordance with *Ala. Code §31-2-13*, or such other applicable law.

As a result, the employee's membership in any of the named military reserve organizations, the employee is allowed to receive up to 168 working hours (21 working days) per calendar year of paid military leave when absent from work because of performance of duty or training in the military reserve. If an eligible employee is on military leave when a scheduled holiday occurs, the holiday pay will prevail, and the day will not be charged against the military leave account.

An employee, who is called to active duty with the Armed Forces of the United States, may request annual or personal leave, if available, or leave without pay. Upon his or her release from military service the employee shall be re-instated by the County in a position that is no lower in grade or pay than that in which he or she is physically and mentally suited to perform, provided the employee makes application for re-employment to the County within thirty (30) days following honorable separation from the Armed Forces of the United States; and his or her absence for military service did not exceed the original service period.

There is no waiting period to be eligible for military leave. This applies to both probationary and non-probationary employees.

An eligible employee who plans to use military leave for training during the year must notify his or her Appointing Authority or Appointed Department Head and the County Personnel Director of his or her projected schedule.

During the War on Terrorism, a salary differential will be implemented for eligible employees retroactive to March 10, 2003, for an indefinite period of time. Pursuant to Act 2002-430, employees shall not suffer any loss in pay, leave time or any other benefits that may be affected by their service.

Employees must provide copies of military orders to the Personnel Director when requesting such leave in accordance with *Ala. Code § 31-2-13* and other applicable laws. If the employee is requesting more than ten (10) days off, he or she must make the request in writing no less than two (2) weeks in advance.



You must give at least 2 weeks written notice when you need leave for military duty that lasts more than 10 working days.

M. Uniformed Services Employment and Reemployment Rights Act (USERRA)

Approved 04/02/13

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), All persons employed by the Baldwin County Commission are entitled to up to five (5) years of military leave without pay for any service in the various Uniformed Services of the United States, including, but not limited to, enlistment, training, and active duty. Employees may be entitled to additional leave for periods of initial service lasting more than five (5) years, periodic training duty and involuntary active duty recalls and extensions. Paid leave, including sick leave and vacation leave, may be substituted for all or part of this unpaid military leave. Employees must provide as much advance notice of their impending service as reasonable. Employees should provide this notice to the Personnel Director.

All employee benefits will be continued without a break in coverage during the service period for employees serving thirty (30) or fewer days. Employees serving thirty-one (31) days or more may elect to continue health care coverage for up to twenty-four (24) months at his or her own cost. Upon returning to work, all benefits will be restored to the employee without a waiting period or break in coverage. While employees do not accrue vacation or sick leave while on USERRA leave, the rate at which such leave will accrue when the employee returns to work will be the same as if the employee had never taken leave.

Employees returning from a period of service are generally entitled to be placed back into the same position that they would have occupied had they not taken military leave. If the period of service is thirty (30) days or less, than the employee should report back to work no later than the beginning of the first workday after the completion of the period of service, allowing for travel time and at least eight (8) hours rest, or, if such a date is impossible or unreasonable, as soon as possible. If the period of service is thirty-one (31) days or more, the employee must apply for reemployment. In those cases, where the period of service was for between 31 and one hundred-eighty (180) days, the application must be submitted no later than fourteen (14) days after the completion of service. When the service was longer than one hundred-eighty (180) days, the application must be submitted no later than ninety (90) days after the completion of service. For periods of service lasting longer than thirty (30) days, the employee may be required to submit supporting documentation. Service members who return with disabilities, illnesses, or injuries accrued in the course of their service may be entitled to extensions of these deadlines and/or accommodation for their conditions.

In addition to the unpaid leave available pursuant to USERRA, any employee who is a member of the National Guard of Alabama or Reserve Officer or Enlisted Person in the Army, Navy, Marine Corps or Air Force Reserve shall be granted leave with pay for the purpose of attending an encampment for training when so ordered. The maximum amount of leave with pay shall not exceed one hundred sixty-eight (168) hours in any calendar year.

No employee or prospective employee will be subjected to any form of discrimination or harassment whatsoever on the basis of that person’s membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment

on the basis of such membership. Furthermore, no person will be subjected to retaliation because such person has exercised his or her rights under this policy or because they have assisted another person in exercising his or her rights under this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should follow the guidelines for reporting discrimination and harassment contained in Section II-B of this Handbook.

N. Jury Duty or Court Appearance Approved 04/02/13, 06/15/21

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

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

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

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

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



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

O. Voting Leave / Elections Approved 04/02/13

Employees will be encouraged to exercise his or her right to vote. Upon approval from the employee's supervisor, an employee may be permitted to vote during working hours. Employees may use annual or sick leave for hours taken to vote.

P. Leave Donation Approved 08/15/2023

1. Purpose of Policy

Baldwin County has established a voluntary Leave Donation policy for county employees to donate their accrued and unused sick, annual or PTO leave directly to other county employees who:

- a. The absence is for a serious health condition (as defined in the FMLA policy) or terminal illness, encountered under circumstances beyond control, and lasting longer than 5 days within their immediate family or maternity.
- b. The condition or illness has been evidenced by a written physician's certification.
- c. Have exhausted all accrued and unused sick, annual and PTO leave; and
- d. Are not eligible for workers' compensation, short-term disability, or other forms of assistance.

2. Eligibility to Donate Leave

- a. Any non-probationary employee of the Commission who is entitled to accrue leave benefits may donate sick, annual, or PTO leave to another employee.
- b. Full-time employees must have a minimum of forty (40) hours of accrued leave to be eligible to donate to another employee. Part-time employees must have a minimum of twenty (20) hours of PTO to donate to be eligible to donate another employee.

3. Guidelines to Donate Leave

- a. Donations of leave are completely voluntary. Donated leave is a gift directly from one employee to another and shall not be paid back.
- b. In any one calendar year, an employee may not donate more than one-half of his or her accrued sick leave, annual leave, or PTO.
- c. The donor shall submit a Leave Donation form to file a written request that a specified number of hours of his or her accrued sick leave, annual leave, or PTO be transferred to the leave account of an eligible recipient.
- d. Donated leave shall be in four (4) or eight (8) hour increments.
- e. Donations are transferred as needed from the donor(s) to the recipient each pay period in the order donation form(s) is/are physically received in the Personnel Department. Should more donations come in than hours needed, any unused time will be returned to the donor(s).
- f. Employees resigning from County service may elect to have their accrued sick leave donated to an employee in current need of donated leave.
- g. Employees retiring pursuant to the Retirement Systems of Alabama requirements, who choose not to roll over unused sick leave into service credit, may donate the surplus sick leave amount that exceeds their maximum hours payout to an employee in current need of sick leave.
- h. An employee shall not directly or indirectly intimidate, threaten, coerce, or promise any benefit to any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using leave.

4. Qualifications to Receive Donated Leave

- a. The employee cannot be on workers compensation leave.
- b. The employee cannot currently be receiving short-term or long-term disability pay.
- c. The employee must have exhausted all accrued and unused sick, annual, or PTO leave before donated leave can be received.
- d. The absence is for a serious health condition (as defined in the FMLA policy for qualifying event. The employee does not have to meet the "time worked" eligibility

- requirement) or terminal illness, encountered under circumstances beyond control, and lasting longer than 5 days within their immediate family or maternity.
- e. The condition or illness has been evidenced by a written physician's certification.

5. Leave Request Application and Review Process

a. Application:

- i. The potential recipient should apply for leave donation by completing a Request to Receive Leave Donation form. Each request shall include a signed physician certification, identifying the existence of the illness, injury, or disability that prevents the employee from performing assigned duties and stating an approximate duration of the disability, illness, or injury. FMLA certification will serve as physician certification.
- ii. If an employee is not capable of applying on his or her behalf, the employee's Department Head or a member of the employee's immediate family may apply on behalf of the employee. However, before applying on behalf of another employee, every effort must be made to obtain consent from the employee, or in situations where this is not possible, a member of the employee's immediate family.
- iii. The Leave Form shall be turned into the employee's Department Head.

b. Review:

- i. The Department Head shall review and sign the application and include any comments or information he or she feels are important for the consideration of the application, and then forward the request to the Personnel Department. The Personnel Department will review for approval or disapproval.
- ii. The Personnel Department shall evaluate the application based on the criteria included in Paragraph 5a above. The Personnel Department may also consider the way the employee has utilized previous leave benefits.
- iii. Additional information or documentation may be requested and/or required for a determination to be made regarding the recipient's eligibility.
- iv. The general financial status of an employee will not be considered in determining whether a "medical emergency" is likely to result in a substantial loss of income.

c. Notification:

- i. If the application is approved, the applicant will be notified by the Personnel Department.
- ii. If the application is not approved, the applicant will be notified by the Personnel Department of the reason for the disapproval.
 - a) The applicant can appeal, in writing to the County Administrator, a disapproval for review by a committee consisting of the County Administrator, County Engineer, and Chairman of the County Commission.
 - b) The appeal must identify how the policy was specifically misapplied by the Personnel Department.

- c) The review committee will either uphold the disapproval or approve the application, which will be final, and the County Administrator will notify the Personnel Department and applicant.

- iii. The Department Head will be notified by the Personnel Department if the applicant is approved or not approved.

6. Solicitation of Donated Leave

Once approved, the recipient is responsible for soliciting donations of leave time from other employees unless written consent is given to his or her Department Head to solicit leave donations on his or her behalf. Even if consent is given, the Department Head is under no obligation to locate a donor or donors for leave donations.

7. Usage of Leave Donations and Cap Amounts

- a. An approved recipient will continue to accrue regular leave benefits as long as the recipient has 40 hours of donated leave within a pay period. As this accrued time is credited to the employee's leave account, these hours will be depleted first before using donated leave time. All benefits will be deducted from the recipient's paycheck as normal.
- b. Lifetime maximum of donated hours that can be received:
 - i. Full-time employees will be limited to a lifetime maximum of 480 hours received.
 - ii. Part-time employees will be limited to a lifetime maximum of 348 hours received.
- c. Per pay period maximum number of hours that can be received:
 - i. Full-time employees cannot exceed 80 hours received per pay period.
 - ii. Part-time employees cannot exceed 58 hours received per pay period.
- d. The use of awarded donated leave days does not extend the twelve (12) weeks of protection afforded under the Family Medical Leave Act (FMLA).
- e. If an employee exhausts FMLA and the 480 hours maximum amount, he or she may submit a 90 day leave of absence request to the Commission.

8. Updates to Department Head While on Donated Leave; Review During Extended Leave

- a. Recipients are required to follow departmental guidelines pertaining to updates to the Department Head while on donated leave approved time as they are required to do for any other leave of absence from work, including the expected duration of leave and/or anticipated return date.
- b. If an employee is on extended leave using donated benefits, the Personnel Department will review the case periodically as needed. Additional information, such as updates from the physician, may be requested by the Personnel Department.

9. End of Medical Emergency and End of Leave Donation

The medical emergency affecting a recipient shall be deemed terminated, and no further requests for transfer of leave to the recipient may be granted, when one of the following occurs:

- a. The medical emergency ceases to a point whereby the employee may return to work.
- b. The recipient's employment is terminated.
- c. It is declared by the recipient or the certifying physician that the recipient is no longer substantially affected by the medical emergency.
- d. An application for disability retirement for the recipient is approved.

10. Exclusions, Limitations, and Termination of Benefits

- a. The following circumstances are excluded from eligibility for leave donation:
 - i. Any work-related injury or illness for which workers' compensation benefits are payable.
 - ii. Injury caused by horseplay or being under the influence of alcohol and/or drugs while at work or home.
 - iii. Active-duty service in the military. This includes periods of temporary duty such as drill, summer camp, etc.
 - iv. Injury caused by war, insurrection, rebellion, or participation in a riot.
 - v. Elective surgery not paid for by the Baldwin County group health care provider.
 - vi. An employee who is approved for Employees' Retirement System disability retirement benefits or Social Security.
 - vii. The time an employee is confined to a jail/corrective institution.
- b. A participating employee will immediately lose the right to use donated leave if any of the following occur:
 - i. Termination of employment.
 - ii. Leave without pay for disciplinary reasons.
 - iii. Voluntary cancellation of participation.
 - iv. Failure to provide a physician's certification when required and/or requested.
 - v. Failure to follow Baldwin County and departmental rules and regulations regarding updates to Department Head, as set forth in Paragraph 8, above.
 - vi. Abuse or misuse of leave defined as taking excessive amounts of sick leave, providing little or no evidence supporting the alleged reason for taking sick leave, misrepresentation of the actual reason for taking sick leave, and using sick leave for unauthorized purposes. Alleged abuse of donated leave shall be investigated by the Personnel Director, and, if warranted, the employee shall repay all sick leave credits and be disqualified from future participation. Additionally, the employee will be subject to disciplinary action.