5 Paid Time Off and Other Absences

I. General Information

A. Regular attendance at work is a critical component of meeting the service delivery, productivity and efficiency goals of the City. Employees are expected to maintain regular, predictable attendance and to report to work on time except for time off approved under the following provisions.

B. Paid time off is an employee benefit that is an important part of the City's total compensation package that provides time away from work for rest, relaxation and personal purposes and provides a mechanism for partial pay protection during times of illness or incapacity. Employees assigned to full-time positions earn an array of paid time off based on the purpose of the absence. Employees assigned to part-time positions earn generic leave as described in Section V below.

C. Paid time off may be used in ¼ hour increments. Accrued paid time off is a personal benefit to an individual employee and shall not be loaned, or sold to another employee, except through participation in the Leave Donation Program. Employees shall be granted authorized leave only for its intended purpose.

II. Full-Time Paid Time Off Benefits

A. Annual Leave:

Annual leave is paid time off from work for vacation, recreation or other personal purposes.

1. Leave Accrual:

Eligible employees accrue annual leave on the 15th of each month when they are employed and in a paid status on the day before and the day after the monthly accrual date. Fire/EMS personnel assigned to 24-hour shifts earn annual leave based on a conversion factor of 1.4 times the rates.

Months of Service	Annual Leave Hours Accrued Per Month	Annual Hours
0 – 60	8	96
61 – 120	10	120
121 – 180	12	144
181 – 240	14	168
241+	16	192

2. Maximum Accrual:

   Total creditable service for full-time annual leave accrual purposes shall be computed from the date of appointment or conversion to a full-time position.

   a. Annual leave may accumulate throughout the year but the amount that may be carried forward from one calendar year into another calendar year is limited to 288 hours, 403 hours for Fire/EMS personnel assigned to 24-hour shifts.

3. Effect of Reassignment:

   Promotion, demotion, transfers or reassignment does not affect the amount of accumulated annual leave.

4. Separation:

   Upon separation from employment, a full-time employee (or the employee's estate in case of the employee's death) will receive payment for a maximum of 288 hours, 403 hours for Fire/EMS personnel assigned to 24-hour shifts, of accumulated, but unused annual leave.

   a. The pay-out for unused annual leave shall normally be paid in a lump sum rather than by maintaining the employee in an active status until the accrued leave runs out.

5. Scheduling:

   Annual leave is normally scheduled in advance with the approval of the supervisor. Employees must comply with established departmental procedures regarding scheduling of annual leave such as completing appropriate leave request forms.

6. Approval:

   Approval of annual leave is at the discretion of the supervisor and, may be denied in situations such as when necessary to keep an operation or shift adequately staffed or when an employee has been absent from work for significant periods of time for other reasons. Employees may be called back to work from approved annual leave for valid service delivery reasons such as an emergency. *(Refer to Chapter 2, Section XII, Emergency Service).*

7. New Hires:

   On occasion, as a recruitment tool, a prospective employee may be granted service credit for annual leave accrual purposes if he or she has prior municipal service or when in the judgment of the Department Director such service credit is appropriate. Granting additional service credit at the time of new hire is at the discretion of the Department Director.

B. Sick Leave:

Sick leave is paid time off that is normally used to cover an employee's absence for the reasons listed below.

- Employee's incapacity to work due to illness or injury.
- Employee's medical and dental appointments.
- Illness or injury of an employee's dependent family member that requires the employee's presence. For the purposes of sick leave usage, a dependent family member is defined as the employee's parent, spouse, child/stepchild or person for whom the employee has been appointed legal guardian.

1. Leave Accrual:

Eligible employees accrue sick leave on the 15th of each month when they are employed and in a paid status on the day before and the day after the monthly accrual date. Full-time employees accrues eight (8) hours of sick leave per month, while Fire/EMS personnel assigned to 24-hour shifts accrue 11.2 hours.

2. Maximum Accrual:

Total creditable service for full-time sick leave accrual purposes shall be computed from the date of appointment or conversion to a full-time position.

a. Sick leave accrual shall be limited to a maximum of 960 hours, 1344 hours for Fire/EMS personnel assigned to 24-hour shifts.

3. Effect of Reassignment:

Promotion, demotion, transfers or reassignment does not affect the amount of accumulated sick leave.

4. Separation:

Employees shall not be paid for unused sick leave when the employee leaves employment with the City of Lynchburg for any reason.

5. Scheduling:

Sick leave may be scheduled in advance, but is typically requested on a daily basis. Employees must comply with established departmental procedures regarding requesting sick leave such as notifying a supervisor prior to the start of the work-day or other processes.

6. Approval:

Approval of sick leave is at the discretion of the supervisor and, may be denied in situations when the supervisor has valid reasons to believe that the employee is abusing sick leave.

7. Medical Certification:

   The City may, at its discretion, require medical certification for any sick leave taken including medical certification indicating that the employee's presence is required for the incapacity of a dependent family member as well as additional medical opinions if there is a disagreement. Acceptable evidence of illness, injury or incapacity of the employee or family member is determined by the relevant department or division director.

8. Abuse of Sick Leave:

   When there is reason to believe that an employee is abusing sick leave privileges, such as a pattern of use that indicates an employee is not actually incapacitated, management action including requiring certification and/or disciplinary action may be taken. Examples of patterns that may indicate sick leave abuse include consistently using sick leave as it is accrued, consistently requesting sick leave on Fridays and/or Mondays, consistently requesting sick leave the day after payday, or similar behavior.

C. Personal Leave:

Personal leave is paid time off to be used for personal purposes at the employee's discretion.

1. Employees holding full time positions are granted 16 hours of personal leave per calendar year on the 1st of January following full-time date of hire.
2. Fire/EMS Department employees assigned to 24-hour shifts are awarded 22.4 hours of personal leave per calendar year.
3. Newly hired employees are granted eight (8) hours of personal leave at the time of hire, 11.2 hours for Fire/EMS employees assigned to 24-hour shifts.
4. Personal leave is normally scheduled in advance and shall be approved by a supervisor. Employees must comply with established departmental procedures regarding scheduling of personal leave such as completing appropriate request forms.
5. Unused personal leave does not carry forward into a new calendar year.
6. Employees shall not be paid for unused personal leave when the employee leaves employment with the City of Lynchburg for any reason.

III. Funeral Leave

Funeral leave is leave with pay granted to employees holding full-time positions upon the death of a member of an employee's immediate family for the purpose of attending services, handling the affairs of the deceased or similar needs. For funeral leave, immediate family is defined as the employee's spouse, parent, spouse's parents, child, brother, sister, grandparent, grandchild, brother or sister in law, son or daughter in law, and guardian, and equivalent step-relations.

A. Upon request, the department director shall grant funeral leave for a period not to exceed three consecutive working days (to a total of 24 hours depending upon regular work schedule or 33.6 hours for Fire/EMS employees assigned to 24-hour shifts), or five consecutive working days in the event that the deceased resided in the same household as the employee (to a total of 40 hours depending upon regular work schedule or 56 hours for Fire/EMS employees assigned to 24-hour shifts). In the event of multiple deaths in the employee's immediate family, each death will be treated separately and funeral leave will be granted accordingly.

B. If more than the allotted number of days leave is required or if leave is desired for a death other than the immediate family, time off may be granted at the discretion of the employee's supervisor and charged to other appropriate paid leave.

IV. Holiday Leave

The City of Lynchburg observes the following paid holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

A. When the actual holiday falls on a Saturday, the Friday before the actual day shall be observed as the holiday; when the actual holiday falls on a Sunday, the Monday after the actual day shall be observed as the holiday. Occasionally, Christmas and Christmas Eve will fall such that the observation will not follow the normal pattern, in which case the appropriate two-day observation will be determined and publicized in advance. In addition to the above holidays, City Council may declare other days to be designated as City holidays.

B. Employees who work in operations that must be continuously maintained regardless of holidays shall use the actual calendar holiday instead of the observed holiday for employees that are required to work on the actual holiday. For example, when December 25 (Christmas Day) falls on a Sunday, Monday, December 26 is the observed holiday for most employees. In this situation, December 25 is the actual calendar holiday and would be used as the holiday for designated personnel.

C. Full-time employees who actually work, or who are in an approved paid leave status, on the last working day before the holiday and the first working day after the holiday shall be paid their normal straight time rate on the holiday as if they had worked their normally-scheduled shift.

D. When an employee is required to work on a holiday, Holiday Leave accrues at a rate of one hour for each hour actually worked during the regular work shift up to 8 hours per holiday (11.2 hours in the case of Fire/EMS personnel assigned to 24-hour shifts). At the department's discretion, an employee may be paid for these hours at the time they are earned, at their normal straight time rate, or the hours may be used

to take time off on another day. Each employee may carry up to 80 (112 hours in the case of Fire/EMS personnel assigned to 24-hour shifts) hours of Holiday Leave into a new calendar year. Any hours in excess of 80 (112 hours in the case of Fire/EMS personnel assigned to 24-hour shifts) at the end of the calendar year shall be paid at the employee's normal straight time rate.

E. Alternate Holiday Leave procedures may apply, as required by business need, to personnel who are normally scheduled to work holidays as a part of their regular work shift. In such cases, written procedures must be approved in advance by the Director of Human Resources.

V. Part-Time Paid Time Off Benefits

Employees in Part-Time positions are typically only paid for actual hours worked. To provide some level of pay protection for absences, employees in these positions are eligible for prorated paid leave benefits through a Paid Time Off Program. This program provides generic leave to employees to cover all absences except those due to work-related injury, Military Service and Court Service.

A. Employees may have access to two (2) types of leave banks, Paid Time Off and Catastrophic:

1. Paid Time Off (PTO):

   PTO may be used for absences due to vacation, holiday, bereavement, or for personal or approved family member illness/injury of less than a full work week.

   a. Accrual Rates:

   Employees will accrue time into their PTO Bank on a monthly basis. Accrual rates are prorated based on annual budgeted hours. Accrual rates do not change with an increase in years of service. *(Refer to chart below).*

   b. Maximum Accrual and Payout:

   Carryover amounts and the maximum payout amounts for the PTO Bank are prorated based on annual budgeted hours for the position. *(Refer to chart below).*

PAID TIME OFF (PTO) BANK Accrual Rates and Maximums

Annual Budgeted Hours	FTE	Average Weekly Hours	Monthly Accrual Hours	Maximum Carry-Over	Maximum Payout
1820 – 2079	.875 – .999	35 – 39	17.5	294	147
1560 – 1819	750 – .874	30 – 34	15	252	126
1300 – 1559	.625 – .749	25 – 29	12.5	210	105
1040 – 1299	.500 – .624	20 – 24	10	168	84
780 – 1039	.375 – .499	15 – 19	7.5	126	63
520 – 779	.250 – .374	10 – 14	5	84	42
0 – 519	0 – .249	0 – 9	2.5	42	21

2. Catastrophic Leave (CAT):

   CAT may be used for absences due to illness/injury of one full work week or more, or for those situations that meet the Family and Medical Leave definition and for bereavement when the deceased resided in the same household as the employee.

   a. At the end of the calendar year, hours above the PTO maximum carryover will be added to the CAT Bank up to the allowed maximum.

   b. Maximum Carryover and Payout:

      Maximum carryover amounts the CAT Bank are prorated based on annual budgeted hours for the position. There is no payout for CAT balances at any time. *(Refer to chart below).*

CATASTROPHIC LEAVE (CAT) BANK Maximums

Annual Budgeted Hours	FTE	Average Weekly Hours	Maximum Carry-Over	Maximum Payout
1820 – 2079	.875 – .999	35 – 39	420	N/A
1560 – 1819	750 – .874	30 – 34	360	N/A
1300 – 1559	.625 – .749	25 – 29	300	N/A
1040 – 1299	.500 – .624	20 – 24	240	N/A
780 – 1039	.375 – .499	15 – 19	180	N/A
520 – 779	.250 – .374	10 – 14	120	N/A
0 – 519	0 – .249	0 – 9	60	N/A

3. Scheduling:

   Time off from the PTO and CAT banks is normally scheduled in advance, except in the case of unexpected illness or injury, and requires approval of the supervisor. Employees must comply with established departmental procedures regarding scheduling of leave such as completing appropriate leave request forms.

VI. Other Absences with Pay

A. Court Service:

An employee who is required to perform jury duty or is subpoenaed to appear in court outside his or her regular duties, except for the reasons included in item No. 2 on the next page, shall be granted sufficient paid time off to perform such duties. When an employee is summoned to serve as a juror, subpoenaed as a witness or party in relation to the performance of his/her job or is involved as a witness to a crime, such time will qualify as "court service."

1. Court Service Procedures:

   a. An employee who is required to be absent from work because he or she has been summoned as a juror or subpoenaed as a witness must provide his/her supervisor with a copy of the summons or subpoena as soon as it is received.

b. Upon returning to work after any absence for jury duty, the employee must provide the supervisor with a certificate from the clerk of court that verifies the service.

2. Absences Due to Other Court Appearances:

Employees must charge absences due to court appearances that are outside of the areas outlined above, or due to an employee's personal business involving court appearances, to appropriate paid leave (i.e., annual leave, personal leave, PTO compensatory time or adjusted hours).

Some examples of situations which do not qualify as paid court service leave are:

a. Child support cases

b. Divorce proceedings

c. Automobile accidents which occur off the job

d. Civil court summons for non job related civil action

e. Employee charged with violating the law unrelated to their job

NOTE: Department Directors, in conjunction with the Human Resources Department, will determine the applicability of court service leave.

VII. Military Leave

Military Leave is an employee's approved absence from work due to the performance of military duty on a commission or non-commission status, on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, funeral honors duty by National Guard or reserve members, or for an examination to determine a person's fitness for any of the above forms of duty.

A. Employees shall notify their supervisor immediately when they learn of an upcoming need for military leave, and shall provide a copy of the official military orders as soon as possible.

B. In accordance with State law, there shall be no loss of regular pay during military leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed fifteen (15) work days per federal fiscal year (October 1 – September 30) and except that no officers or employees shall receive paid leave for more than fifteen (15) work days per federally funded tour of active military duty.

C. For the purposes of paid military leave, a "workday" is defined as 1/260 of the total working hours an employee would be scheduled to work during an entire federal fiscal year. For full-time employees, 15 "workdays" equals 120 hours per year; fire personnel assigned to a 24-hour shift are eligible for 168 hours per year. Weekends are included

to the extent that they are part of an employee's regularly scheduled work time. Whenever possible employees shall try to schedule their military leave at those times that have the least impact on the departments' service delivery needs.

D. Employees may take additional types of appropriate paid leave when paid Military Leave is exhausted.

1. An employee whose absence does not exceed five (5) years and is released from service under honorable conditions is eligible for reemployment rights and employment benefits as described under the "Uniformed Services Employment and Reemployment Rights Act of 1994."

VIII. Work-Related Injury Leave

A. An employee who sustains an on-the-job injury or contracts an occupationally related disease which incapacitates him or her from performing his or her duties may be granted paid leave for the normally scheduled work days within seven (7) calendar days following an on-the-job injury or illness that prevents the employee from working.

B. Such time off without loss of pay or charge to personal leave shall end at the close of business on the seventh (7th) calendar day. The absence may be covered by workers' compensation if the employee is unable to work after seven (7) calendar days. *(Refer to Chapter 4: Benefits on Workers' Compensation policies for more information).*

IX. Administrative Leave with Pay

A. At the discretion of a department director, an employee may be granted paid time off for a variety of purposes such as employee recognition or reward, visiting other city offices for work-related assistance, counseling or training, pending the results of official investigations, pending disciplinary action, or other circumstances where the department director determines that the employee's absence from work is in the best interest of the City.

B. Decisions to extend administrative leave with pay for more than fifteen (15) work days shall be coordinated with the Director of Human Resources and shall be documented in the employee's official personnel file.

X. Family and Medical Leave

In accordance with the provisions of the Family and Medical Leave Act (FLMA), as amended, eligible employees are entitled to take up to twelve (12) weeks of paid or unpaid, job-protected leave during any twelve (12) month period for specified family and medical reasons. Employees and supervisors shall engage in interactive discussions about the need for FMLA, to coordinate absences, and related matters.

A. Covered Family and Medical Reasons:

1. The birth of the employee's child or the placement of a child with the employee for adoption or foster care.
2. To care for an immediate family member (spouse, child or parent) with a serious health condition.
3. To take medical leave when the employee is unable to work because of a serious health condition.
4. Because of any qualifying exigency as defined below and in applicable Federal regulations arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty in the National Guard or Reserves in support of a contingency operation.
5. To care for a military family member injured in the line of duty. *(Refer to Section M, Military Caregiver FMLA Leave for specific guidelines).*

B. If the employee has accrued paid leave, the employee must exhaust all appropriate paid leave first, then unpaid leave second, as part of the leave required by the FMLA.

C. Serious Health Condition:

An illness, injury, impairment or physical or mental condition that involved either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents an employee from performing the functions of the employee's job or prevents an employee's qualified family member from participating in school or other daily activities.

D. Qualifying Exigencies:

1. Short-notice deployment
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation
7. Post-deployment activities within 90 days of termination of active duty
8. Additional activities agreed to by the City and the employee

NOTE: Leave for qualifying exigencies is available only to families of service members in the National Guard and Reserves. It is not available to families of service members in the Regular Armed Forces.

E. Employee Eligibility for FMLA:

1. The employee has worked for at least twelve (12) months for the City. The twelve (12) months need not have been consecutive. If the employee was on the payroll for part of a week, the City will count the entire week. The City considers 52 weeks to be equal to twelve (12) months.

2. The employee has worked for the City at least 1250 hours over the previous twelve (12) months before the leave would begin, not including paid or unpaid leave.

3. When both spouses are employed by the City, they are jointly entitled to a combined total of twelve (12) work weeks of family leave for the birth or placement with the employee of a child for adoption or foster care, and to care for a parent who has a serious health condition.

F. Calculation of Leave:

Eligible employees can use up to twelve (12) weeks of the leave described above during any twelve (12) month period. The City will use a rolling twelve (12) month period measured backward from the date an employee uses FLMA leave. Each time an employees uses leave, the City computes the amount of leave the employee has taken under this policy, subtracts it from the twelve (12) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twelve (12) months, he or she could take an additional seven (7) weeks under this policy.

G. Maintenance of Benefits:

1. Employees on unpaid leave which is designated as FMLA leave will continue to receive, if eligible, health, dental and life insurance benefits up to the maximum twelve (12) workweeks allowed. These benefits will continue on the same basis as an active employee during this twelve (12) week period.

2. Whether on paid or unpaid leave of absence, the employee must make arrangements to pay applicable health and dental costs for dependents. Those on unpaid leave must also make arrangements to continue other deductions, such as optional life insurance premiums.

3. If the employee informs the City that he/she does not intend to return to work at the end of the leave period, the employee's rights to any health care benefits will be only to the extent provided for by the then current health care plan, if any, provided by the City for its employees.

4. If the employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount the City contributed towards the employee health insurance during the leave period.

5. Annual and sick leave will not accrue during the leave period if the employee is in an unpaid status. The use of family or medical leave will not be considered a break in service for vesting or benefits program purposes.

H. Job Restoration:

An employee who uses family or medical leave under this policy will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

I. Use of Paid and Unpaid Leave:

If an employee has accrued paid leave of less that twelve (12) weeks, the employee will use appropriate Paid Leave first and take the remained of the twelve weeks as Unpaid Leave, based on the City's normal leave policies.

J. Intermittent Leave and Reduced Work Schedules:

In certain cases, intermittent use of the twelve (12) weeks of family or medical leave or a reduced work schedule may be allowed by the City.

1. The employee may request intermittent leave or reduced work schedule for their own serious health condition or to care for a seriously ill family member, where the need for leave is foreseeable and based on planned medical treatment.

   a. Employees are responsible for meeting with their supervisor and scheduling treatments so they do not unduly disrupt the City's operations.

2. In some cases, the City may temporarily transfer an employee who is using intermittent leave or a reduced work schedule to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced work schedule.

K. Procedures for Requesting Leave:

1. Employee requesting leave under this policy must provide 30 days advance notice to his/her supervisor if the need for FMLA leave is foreseeable, such as in the case of an expected birth, adoption or foster care placement of a child, or planned medical treatment for a serious health condition of the employee or a family member.

   a. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

   b. If the need for FMLA leave is not foreseeable, employees must notify the City of the need for leave as soon as possible, ordinarily within one or two business days. An employee's failure to give timely notice could delay his eligibility for FMLA leave and/or mean approval of leave would not be granted.

2. Regardless of whether an employee requests FMLA leave, the City normally designates leave as FMLA leave as soon as it becomes apparent that the employee is out of work for a reason that meets the requirements of the law. Typically, an absence will be designated FMLA leave when the employee has been or is anticipated to be absent for 5 or more work days, or their equivalent, due to a qualifying situation.

3. Upon receiving an employee's request for leave (or upon learning of a need for leave that appears to meet the requirements of the law), the City will provide the employee a Notice of Eligibility and Rights and Responsibilities.

   The employee must submit an appropriate certification form as noted below:

   a. An employee requesting (or determined to need) leave because he/she is unable to work due to a serious health condition must provide, at his or her own expense, a complete and sufficient Certification of Health Care Provider for Employee's Serious Health Condition.

   b. An employee requesting (or determined to need) leave to care for an immediate family member with a serious health condition must provide, at his or her own expense, a complete and sufficient Certification of Health Care Provider for Family Member's Serious Health Condition.

   c. An employee requesting leave because of a qualifying exigency must provide a complete and sufficient Certification of Qualification Exigency for Military Family leave.

4. The required certification should be provided within fifteen (15) calendar days, or the employee should provide a reasonable explanation for the delay. If the employee fails to provide complete and sufficient certification, the City may deny the request for FMLA leave and possibly the request for paid leave for the time off.

5. After the City has received the required notice and certification, it will inform the employee within five (5) business days whether the leave will be designated FMLA leave. The employee will receive a Designation Notice indicating the amount of leave that will be counted against the employee's FMLA entitlement, if determinable at that time.

6. Departments will maintain appropriate information including the dates that each employee has taken FMLA leave; the number of hours of FMLA leave taken by each employee if leave is granted in increments smaller than a day; and records of any disputes between the employer and any employee over the designation of leave as FMLA leave. To track FMLA leave hours, payroll clerks will use the appropriate hours' codes when processing payroll to have the leave designated as FMLA leave.

7. Copies of the written notice and certification, and designation, along with all medical information, will be sent to the Human Resources Office.

L. Employee Responsibilities:

1. While on FMLA leave, employees are required to keep their supervisor informed regarding their status and their intent to return to work.

2. Employees are required to give at least two (2) business days notice if their anticipated date of return to work changes.

3. Employees may be required to provide a Fitness for Duty certification from their medical professional prior to their return to work. Notice of this requirement will be given with the Designation Notice.

M. Military Caregiver FMLA Leave:

1. An eligible employee (see Paragraph F) who is the spouse, son, daughter, parent or next of kin of a covered service member may take up to twenty-six (26) weeks of leave to care for such service member with a serious injury or illness incurred in the line of duty on active duty for which the covered service member is undergoing medical treatment (either inpatient or outpatient) or is otherwise in outpatient status or on the temporary disability retired list. Such leave is designated "Military Caregiver Leave."

2. Leave is permitted to care for current members of the Regular Armed Forces, National Guard, Reserves and those on the temporary disability retired list.

   a. Leave for "qualifying exigencies" is available only to families of service members in the National Guard and Reserves, and not available to families of service members in the Regular Armed Forces.

   b. Leave is not permitted under this policy to care for former members of the Regular Armed Forces, National Guard or Reserves, and those on the temporary disability retired list.

3. The service member must have a serious injury or illness incurred in the line of duty, as determined by the U.S. Department of Defense, that may render him/her medically unfit to perform the roles of his office, grade, rank, or rating and for which he/she is undergoing medical treatment, recuperation, therapy or outpatient treatment.

4. In order to care for a covered service member, an eligible employee must be the spouse, parent, son or daughter or next of kin of the covered service member.

   "Next of kin" is defined as the covered service member's nearest blood relative (other than the service member's spouse, parent, son or daughter) in this order of priority:

   a. Blood relatives who have been granted legal custody

   b. Brothers and sisters

c. Grandparents

d. Aunts and uncles

e. First cousins

f. Another blood relative designated in writing by the service member as his or her next of kin

5. Employees eligible for Military Caregiver Leave may use up to twenty-six (26) weeks of leave during a single twelve (12) month period. The 12-month period begins on the first day the employee takes leave for this purpose and ends 12 months thereafter.

6. Policies regarding Maintenance of Benefits, Job Restoration, Use of Paid and Unpaid Leave, and Intermittent Leave and Reduced Work Schedules are the same as FMLA leave. *(Refer to Sections H, I, and J above).*

7. As with FMLA leave, employees must provide 30 days advanced notice if the need for Military Caregiver FML Leave is foreseeable. If the need is not foreseeable, employees must notify their supervisor of the need for leave as soon as possible.

8. Upon receiving the employee's request for leave, the City will provide the employee with a Notice of Eligibility and Rights and Responsibilities Form.

9. An employee taking Military Caregiver FML Leave must provide a complete and sufficient Certification for Serious Injury or Illness Leave of Covered Service Member.

   a. The required certification must be provided within fifteen (15) calendar days, or the employee should provide a reasonable explanation for the delay. If the employee fails to provide complete and sufficient certification, the City may deny the request for Military Caregiver FMLA leave and possibly the request for paid leave for the time off.

10. After the City has received the required notice and certification, it will inform the employee within five (5) business days whether the leave will be designated Military Caregiver FMLA leave. The employee will receive a Designation Notice indicating the amount of leave that will be counted against the employee's FMLA entitlement, if determinable at that time.

11. Employees have the same responsibilities under Military Caregiver FMLA as they do under other FMLA leave. They are required to keep their supervisor informed regarding their status and their intent to return to work and they are required to give at least two (2) business days notice if their anticipated date of return to work changes.

XI. Leave Donation Program

The City of Lynchburg supports the sharing of accrued paid leave through a voluntary Leave Bank program that allows members to donate and request paid leave. Leave donation provides access to paid leave for eligible employees unable to work due to an unexpected personal or family illness, injury or catastrophic situation. The City of Lynchburg Leave Bank Board shall administer the program.

City of Lynchburg employees assigned to full-time classified, part-time classified and grant funded with benefits positions may participate in the Leave Donation Program.

A. The Leave Donation policy establishes guidelines for effective administration of a voluntary program of leave donation which allows eligible employees to access paid leave when unable to work due to their own non-job related injury, unexpected temporary disability or illness, or the unexpected illness or incapacity of a family member.

Such absence shall be the result of an unforeseen medical emergency of a serious and unplanned nature and, in the opinion of a licensed physician, is expected to last at least ten (10) consecutive working days, or its equivalent, after all accrued paid leave is exhausted.

The program is not intended to assist employees with absences due to routine medical problems, treatments or procedures not medically necessary and/or predictable medical events.

1. General Guidelines:

   a. The Leave Bank program provides a means for employees to help coworkers and their families alleviate the financial hardship that may be brought about by unforeseen illness or injury of significant duration.

   b. Participation in the Leave Bank as a donor or as a recipient is completely voluntary and is subject to Department Director approval.

   c. Eligible employees may donate annual leave, adjusted hours and/or compensatory time to the Leave Bank.

   d. All donations and receipt of paid leave will be in one (1) hour increments.

   e. Membership in the Leave Bank entitles an employee to apply for donated leave.

   f. The City Manager will appoint a maximum of five (5) employees to the Leave Bank Board for a two-year term. The activities of the Leave Bank Board shall be coordinated by the Director of Human Resources.

   g. Decisions regarding requests for donated leave as well as management of the program are the responsibility of the Leave Bank Board.

   h. Decisions of the Leave Bank Board are not grievable.

2. Membership/Donation to the Leave Bank:

   Leave Bank membership is available to all eligible employees and entitles those employees to both donate and request paid leave in accordance with the provisions of this policy. Eligible employees may enroll in the Leave Bank at the beginning of any pay period by completing the "Request for Membership" form and sending it to the Human Resources Department.

   By signing and submitting this form, the employee understands and agrees to the following:

   a. Membership in the Leave Bank does not guarantee that requested paid leave from the Bank will be approved.

   b. Initial enrollment may take place at the beginning of any pay period.

   c. An employee must initially, and thereafter at the beginning of each calendar year, donate at least sixteen (16) hours of annual leave, compensatory time or adjusted hours in order to maintain active membership.

   d. Once an employee is enrolled, he/she may donate additional paid leave at the beginning of any pay period. However, leave donation may not exceed 50% of an employee's total paid leave (sick, annual, adjusted hours, compensatory time, personal or banked holiday leave) balance nor reduce the employee's total paid leave balance below 40 hours.

   e. Each member may be required on an annual basis to donate additional appropriate leave to the Bank in order to maintain the solvency of the Bank. This provision will be not be necessary if contributions are adequate to maintain the Bank's solvency. Failure to meet donation requirements will result in termination of the employee's membership in the Bank.

   f. Leave donated to the Leave Bank becomes the property of the Bank and will not be returned to the employee upon termination of membership from the Bank for any reason, termination of employment, or upon dissolution of the Bank.

   g. A member who resigns from the Leave Bank, or whose membership is terminated for failure to meet requirements, must wait at least six (6) months before he/she may apply for re-admission, and must meet all requirements for membership, including the donation of sixteen (16) hours of appropriate leave and having a minimum balance of forty (40) hours of total paid leave.

3. Requests for Donated Leave:

   a. Members of the Leave Bank may request donated leave when all paid leave is exhausted or is scheduled to be exhausted and additional time off is needed due to their own non-job related injury, unexpected temporary disability, serious

health condition, or the unexpected illness or serious health condition of a dependent family member.

b. Such absence(s) shall be the result of an unforeseen medical emergency of a serious and unplanned nature that, in the opinion of a licensed physician, is expected to last at least ten (10) consecutive work days, or the equivalent, after all accrued paid leave is exhausted.

c. A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider that causes the employee to be absent from work for more than a few days.

4. Receiving Donated Leave:

a. Only current leave bank members are eligible to receive donated leave.

b. All paid leave must be exhausted before a member can receive donated leave.

c. A maximum of 240 hours of donated leave may be granted per request.

d. A member granted donated leave shall not be credited with donated leave in excess of the period of approved absence.

e. Absences due to procedures or treatments not medically necessary such as facelifts, due to routine medical problems such as ongoing treatment for a chronic illness, predictable medical events such as the normal recovery period following childbirth, or absences that are a bridge to retirement are not eligible for donated leave.

f. Members must provide reasonable, written assurance that they intend to return to work.

g. On-going paid leave is funded through the assigned department of the member receiving donated leave.

5. Requesting Donated Leave from the Leave Bank:

a. An application must be completed and submitted to the member's immediate department director or designee, who will add his or her recommendation. The completed and endorsed form shall be submitted to the Human Resources Department.

b. The application may be submitted in anticipation of exhaustion of all paid leave, but no member will actually receive donated leave until all paid leave is exhausted.

c. The application must include medical certification from an attending physician that identifies the medical problem and the estimated time period of incapacity,

including any restrictions. No application will be considered unless medical information is included.

d. The application must include a recommendation for approval from the Department Director.

Directors are encouraged to seriously consider the following decision-making guidelines:

i. Prior leave record

ii. Work performance

iii. Length of service

iv. Length of membership in Leave Donation Program

v. The need to hire temporary employees to maintain operations

vi. Nature of the illness, injury or situation

6. Approval Authority:

Decisions to grant leave under this policy will be made by the Leave Bank Board, based on the recommendations of Department Directors. The Board will be chaired by the Director of Human Resources, or designee, and will include up to five (5) members appointed by the City Manager. The Board's decision is final and is not a grievable action.

XII. Absences Without Pay

A. Leave Without Pay (LWOP):

1. LWOP is an approved leave status and may be granted to an employee when he or she has exhausted all appropriate paid leave to cover an approved absence. The granting of LWOP shall be at the department director's discretion, except in the case of Family Medical Leave and Military Leave as described elsewhere in this policy. In the event that an employee is in a LWOP status at the time of leave accrual (15th of the month), paid annual and sick leave will not be earned. An employee in a LWOP for 30 days or more is not eligible to use funeral, personal, holiday leave or any other form of paid leave during the LWOP.

2. An employee on LWOP must pay applicable health, dental and optional life premiums if he or she chooses to maintain coverage, except when on approved Family Medical Leave. Typically, employees on LWOP must make other arrangements to pay both the City's contribution and premiums for dependent coverage that would normally be paid through payroll deduction.

3. Virginia Retirement System (VRS) retirement contributions will not be made for an employee on LWOP for 30 days or more. The individual may purchase the lost

service from VRS if military commitments, educational leave or personal illness necessitated the leave without pay.

4. The City currently pays group life insurance premiums for an employee on LWOP for military commitments, educational leave or an illness for a period of two (2) months. After two months the employee may continue the coverage by paying the appropriate premiums. Life insurance coverage may be continued for no more than 24 months.

B. Unauthorized Absence:

1. Any absence from the job during a scheduled work period when the employee has not received prior approval for the absence from his/her supervisor or department director will be considered an unauthorized absence. Employees will not be paid for unauthorized absences. In addition, the employee is subject to disciplinary action up to and including dismissal.

2. An employee in an unauthorized absence status who fails to contact his or her supervisor for three consecutive workdays shall be deemed to have abandoned his or her position and to have voluntarily resigned.

3. When emergency conditions exist during a period other than the normal work period (for example, before or after the normal work shift) and the emergency has been communicated to employees, any employee who leaves the work site or fails to return to the work site without the approval of his or her supervisor or department director shall be in an unauthorized absence status.