

**ORDINANCE REGARDING WORKDAYS AND ABSENCES FOR WAKE COUNTY GOVERNMENT
EMPLOYEES**

WHEREAS, the Board of Commissioners determines the eligibility of leave benefits for Wake County Government Employees; and

WHEREAS, the Board of Commissioners maintains the right to modify its personnel ordinance and policy to effect a more desirable result for eligible employees; and

WHEREAS, such modifications are needed to clarify and codify the practices and guidelines regarding the administration of absences and paid leave under Section 31.08 Workdays and Absence; and

WHEREAS, the County Manager shall be the County Personnel Officer and shall be responsible to the Commissioners for the administration and technical direction of the county's personnel program; and

WHEREAS, this ordinance should resolve all previous versions of Section 31.08 Workdays and Absences and serve as the guide for absences and paid leave;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Wake County that:

Effective January 1, 2018, Section 3, Chapter 31 of the Personnel Ordinance is hereby amended as set forth below:

Section 31.08 Workdays and Absences

(A) *General.* County offices will be open for business on weekdays from the hours of 8:30 a.m. to 5:15 p.m., unless otherwise provided herein. A department head may vary an employee's work schedule from these days and hours in accordance with established administrative procedures or when the normal performance of mandated departmental duties so requires.

(B) *Holidays.*

(1) The following days and the other days as the Board of Commissioners may designate are holidays for the county government employees:

- a. New Year's Day;
- b. Martin Luther King Jr. Day;
- c. Good Friday;
- d. Memorial Day;
- e. Independence Day;
- f. Labor Day;
- g. Veteran's Day;
- h. Thanksgiving Day (two days); and
- i. Christmas Day (three days).

- (2) Employees who wish to observe religious holidays other than those designated herein shall be allowed to request and take annual leave for the purpose if their absence will not create a hardship on other county employees or impair the efficient operation of the employee's office.

(C) *Annual leave.*

- (1) It shall be the policy of the county to grant paid annual leave as a privilege for its employees.

Annual leave for probationary or regular full-time (40-hour work period) employees shall be computed at the following rates:

<i>Years of Current and Reinstated Service</i>	<i>Minutes Earned Each Month</i>	<i>Hours Earned Each Year</i>	<i>Days Earned in One Year</i>
Less than 2 years	480	96	12
2 but less than 5 years	560	112	14
5 but less than 10 years	680	136	17
10 but less than 15 years	800	160	20
15 but less than 20 years	920	184	23
20 years or more	1,040	208	26

- (2) Benefits-eligible employees will accrue prorated annual leave in direct proportion to annual scheduled work hours at the time of the accrual. No employee may be granted annual leave in excess of the amount accumulated.

(D) *Sick leave.* Sick leave is a privilege granted to probationary and regular county employees and may be used only in cases of personal illness, disability or related examination or treatment of an employee or his or her immediate family. Full-time (40-hour work period) employees shall earn sick leave at the rate of 480 minutes per calendar month or 12 days per year. Benefits-eligible employees will accrue prorated sick leave in direct proportion to the annual scheduled work hours at the time of the accrual. Sick leave may be granted and taken to allow an employee to attend a family member's funeral or to tend an ailing member of his or her immediate family. No employee may be granted sick leave in excess of the amount accumulated.

(E) *Parental leave.* Wake County offers paid parental leave to parents for the birth, bonding and care of a child. The purpose of paid parental leave is to allow up to six (6) weeks [or (8) eight weeks under certain circumstances] of paid leave for regular benefits eligible employees of the County for: parental care of a newborn or a child placed for adoption, foster care, or guardianship within 12 months of the qualifying event. Paid parental leave is provided to

supplement the unpaid leave provided under the federal Family and Medical Leave Act and is provided in accordance with the federal Family and Medical Leave Act.

- (F) *Community involvement leave.* The County recognizes the value of actively contributing to one's community and is committed to supporting employee involvement in civic, educational and not-for-profit activities. Full-time employees (scheduled for 2080 hours/year or 40 hours/week) shall earn community involvement leave at the rate of 16 hours per calendar year. Benefit-eligible employees with a different set of annual hours will receive community involvement leave in direct proportion to their annual scheduled work hours.
- (G) *Bereavement Leave.* Wake County understands the importance in supporting employees as they grieve the loss of a family member. Full-time employees (scheduled for 2080 hours/year or 40 hours/week) shall receive bereavement leave at the rate of 40 hours per calendar year. Benefit-eligible employees with a different set of annual hours will receive bereavement leave in direct proportion to their annual scheduled work hours.
- (H) *Military leave.* Military leave will be granted, in accordance with federal law, to any benefit eligible employee for active duty in the U.S. military service. Military training leave is available to benefit eligible employees for training required for continued membership in the National Guard or Armed Forces reserve. Full-time employees (scheduled for 2080 hours/year or 40 hours/week) shall earn military training leave at the rate of 96 hours per calendar year. Benefit-eligible employees with a different set of annual hours will receive military training leave in direct proportion to their annual scheduled work hours.
- (I) *Civil leave.* The following shall apply, except as may be otherwise provided by the federal Family and Medical Leave Act, being 29 USC 2611 et seq., as amended from time to time.
- (1) All probationary and regular employees who serve on jury duty are entitled to leave with pay for the period of absence required.
 - (2) When an employee is subpoenaed to testify in a matter related to his or her employment, no leave is required. When an employee is subpoenaed to appear as a witness in a civil or criminal trial or appears as the prosecuting witness in a criminal proceeding, he or she may obtain civil leave with pay for the purpose of testifying. When an employee attends a court hearing as a party or interested party to the proceedings and the case is not connected with his or her official duties, the employee must obtain unused holiday leave, annual leave or leave without pay in accordance with county leave policy.
- (J) *Worker's compensation leave.* An employee who is accidentally injured on the job or who otherwise becomes eligible for Worker's Compensation shall request Worker's Compensation leave instead of using sick leave. The employee will not be compensated for the first seven days of disability unless the disability continues for more than 21 days.
- (K) *Leave without pay.* A probationary or regular employee may be granted a leave of absence without pay for up to three months. This leave may be used for extended personal or family disability, continuation of education, special work that will permit the county to benefit by the experience gained or the work performed, or other personal reasons. Leave without pay for purposes of covered military and Public Health Service will be granted in accordance with

federal law. Failure to report to work at the expiration of a leave of absence will be considered a resignation.

- (L) *Administration of leave policies.* The County Manager shall establish rules and procedures governing the administration of leave benefits, including, but not limited to, requests for and approval of leave, accrual and carry-over of leave, reinstatement and transfer of leave benefits, supporting documentation required for approval of leave and other matters as are necessary or appropriate to implement the policies of this section.

Adopted this the 18th day of September of 2017.