

# POLICY 8.5

# TIME OFF

ADOPTED: FEBRUARY 1, 2013

REVISED: JULY 20, 2021

## A. VACATION BENEFITS

Vacation benefits are intended to provide eligible employees with a period of paid rest and relaxation away from work. Accordingly, employees are encouraged to schedule vacations each year, and to use all earned vacation benefits.

If a holiday falls during an employee's scheduled vacation, the employee will receive holiday pay for the day if eligible for such pay and will not be charged for vacation benefits for the day.

Accrued and unused vacation benefits shall be paid upon termination of employment. Vacation credits shall not accrue during any unpaid leave of absence.

The District provides vacation benefits to its regular full-time employees. Vacation credits will be posted monthly as follows for full-time employees working up to 45-hours work week:

Years of Continuous Service	Monthly Accrual	Annual Accrual
0 through 4	8.00	96
5 through 7	10.00	120
8 through 9	12.00	144
10 through 19	14.00	168
After 20	17.00	204

Staff members may accrue up to 150% of vacation accrual. Accruals will not be posted to increase any employee's vacation balance in excess of 150% and may be directed as time off.

Vacations are to be scheduled to minimize low staffing for Fire District responses. Vacation schedules may be amended by the Fire Chief to allow the District to meet emergency situations. (was Vacations must be scheduled and approved by the Fire Chief (or the District Manager in the case of department heads) in advance.)

## B. HOLIDAYS

Jefferson Fire District recognizes the same paid holidays as observed by the State of Oregon. In addition, the Fire District recognizes the day before Christmas as a holiday. Regular full-time employees will receive a day off with pay on each of these recognized holidays. Reference State Observed Holidays on Oregon.gov

When a scheduled holiday falls on Sunday, it will be observed on the following Monday. When a scheduled holiday falls on a Saturday, it will be observed on the preceding Friday.

Employees who are off work on a leave of absence shall not receive holiday pay. Employees who are off work due to sickness or vacation shall be paid for the holiday in lieu of using vacation or sick leave credits.

**C. SICK LEAVE**

1. Notification of Inability to Work. Employees who are unable to report to work due to personal or dependent illness or injury must contact the immediate supervisor on or before scheduled starting time. If an employee becomes sick during the day, the supervisor or designee must be notified before the employee leaves work. When sick leave is taken to care for a dependent, the District expects that other care arrangements will be made as soon as possible. Sick leave may be used for illness or injury, to keep appointments with doctors, dentists, or other medical professionals. At the Fire Chief's sole discretion, sick leave may also be used for those employees unable to return to full active duty due to injury.
2. Accrual. To minimize the economic hardships that may result from an unexpected short-term personal or dependent illness or injury, the District provides regular full-time employees with sick leave. Full-time employees, who work up to 45-hour work weeks, accumulate 8 hours of sick leave each month. Part-time personnel will accumulate 1.5 hour of sick leave for every 30 hours worked, in a pay period, for a max of 60 hours a year. Calculation for part-time personnel sick leave accrual.  $(\text{Hours Worked} \div 30) \times 1.5$

Unused sick leave benefits accumulate from year to year. Employees are not paid for unused sick leave upon employment termination.

3. Transfer of Sick Leave. Employees in good standing who have: 1) at least one year of service with the District; 2) have no documented history of abuse of leave or unscheduled absences; and 3) who have exhausted their sick and vacation leave benefits may, upon the Fire Chief's approval, receive a sick leave donation from other district employees if they require extended time off for illness or injury. Employees may donate up to 10% of their accrued sick leave balance. Only employees who have accumulated more than 240 hours may make a contribution, and no employee may contribute more than 40 hours per year to other employees. Unused donated sick leave remains in the receiving employee's account. The receiving employee may receive donated leave for no longer than six (6) months and leave donations will not be accepted if the receiving employee's status becomes unpaid. Hours of leave donated from co-workers will be converted into dollar amount and then applied to receiving employee's account at his or her hourly rate.
4. Bereavement Leave. One leave of absence with pay per year for a duration not to exceed four (4) days, may be granted, at the Chief's sole discretion, to an employee in good standing when a death in the employee's immediate family or employee's spouse's immediate family requires the employee's presence. Should circumstances require an employee to be absent longer than the four (4) days, the days in excess shall be charged against accumulated sick or vacation leave. Immediate family means the immediate family of the employee or the employee's spouse, and is limited to: parents, children, grandparents, stepchildren, siblings and members of the employee's household.

5. Concurrent Leaves: Sometimes more than one type of leave may apply to situations. Where allowed by federal or state law, such leaves will run concurrently. This means that sick leave, worker's compensation leave, personal leaves, leaves as reasonable accommodations, or certain medical leaves may all concurrently and counted against the employee's leave entitlements and accruals.
6. Medical Certification: An employee is on leave that runs concurrently with another type of leave, for example worker's compensation leave or family medical leave, must timely provide any required medical certification to the district. Further, for sick leaves that do not run concurrently with another type of leave and are in excess four (4) days, the District may require medical certification.

**D. ADMINISTRATIVE LEAVE**

Federal Labor Standards Act. (FLSA)

Exempt employees will be granted 120 hours of Administrative Leave per year, starting January 1, of each year.

The District's Administrative Leave Policy is provided to acknowledge time worked in excess of 40 hours per week by District employees.

The 120 hours may be taken in year they are received or 40 may be sold back to the District at any time during the year. No administrative leave will be carried over into the next year.

If the employee is terminated/resigns during the year, the administrative leave would be deducted from their vacation. If vacation time is not available, the computed amount would be deducted from their final check.

District employees will regulate their own use of administrative leave, and will provide the Fire Chief at least one day notice of any day which they intend to take off.

**E. FAMILY MEDICAL LEAVE POLICY**

An eligible employee may take family medical leave for up to 12 weeks within any two-year period for the care of any family member (child, spouse, parent or parent-in-law of the employee) who suffers from injury, disease or condition (mental or physical) that in the judgment of the treating physician either poses an imminent danger of death; is terminal in prognosis with a reasonable possibility of death in the near future; or that requires constant care. Family medical leave may also be taken when an employee's minor child (under 18 years old) has an illness which requires home care. Employees must, however, make a reasonable effort to schedule medical treatment so as to minimize disruption of District operations. When the condition requiring the leave is neither life threatening nor terminal, family medical leave is not available if another family member is either taking family medical leave or is otherwise available to provide care, in accordance to OFLA/FFLA.

Family medical leave is available after 180 days employment to all employees who work an average of 25 or more hours per week, except seasonal or temporary employees hired for less than six months.

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Family medical leave may be taken in increments of a day or more or in one continuous block of time. Hourly paid employees may take leave for the remainder of a shift or workday if they learn of a family member's serious health condition after reporting to work. An advance written request is required for each increment of family medical leave requested.

All requests must be in writing in the format set forth and must specify the reason for the medical leave of absence, the relationship of the employee to the person needing care, the health condition of the family member necessitating leave, the anticipated length of the leave not to exceed 12 weeks, and the availability of other family members to care for the family member needing care. The unavailability of any other family members to provide care must be explained. Employees must also specify the dates on which the employee first learned of the serious health condition.

Requests must be made as soon as practical after the necessity for the leave becomes known to the employee. In cases where a serious health condition is anticipated, the notice shall be provided at least 15 days before the family medical leave of absence. Where the serious health condition is unanticipated, an oral request confirmed in writing within three working days constitutes a written request.

Written verification may be required from the treating physician to substantiate leave taken under this policy. If the leave is taken to care for a child requiring home care, physician verification will not be required unless the leave extends four consecutive working days.

The employee will be notified in writing that medical leave has been approved for the necessary period. Additional time, if necessary, must be requested in advance in writing as provided above, but in no case will cumulative family medical leave exceed 12 weeks within a two-year period. If circumstances change during the leave, and the necessary leave period is shorter than originally anticipated, the employee must notify the employer as soon as possible and request reinstatement.

The two-year period during which leave is available will start with the first day of the first leave taken by the employee. A second two-year period will commence with the first day of the first leave taken by the employee following the initial two-year period, and so forth.

Family medical leave is unpaid leave. An employee must use accrued vacation and sick leave during the leave. There will be no accrual or accumulation of benefits during the leave. The District will, however, continue to provide health insurance for an employee on family medical leave for periods of less than six consecutive (days/weeks). Employees will be allowed to self-pay health insurance for any remaining portion of the leave. Any legal holiday which occurs during the leave will not be paid.

The position of an employee on family medical leave shall be considered vacant for the period of the leave and the employee shall not be subject to removal or discharge as a consequence of the leave. Provided circumstances have not changed or the position has not been eliminated, the employee will be restored to his or her former job, or an equivalent job, upon termination of the leave, without loss of seniority,

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pension plan service credit, or other benefits that had been earned at the start of the leave, but reduced by any vacation used by the employee during the leave. If the employee cannot be restored to his/her former job, he/she will be reinstated to any other position that is available (vacant) and suitable.

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### Jefferson Rural Fire Protection District FAMILY MEDICAL LEAVE POLICY REQUEST FORM

To: \_\_\_\_\_

Name of Employee: \_\_\_\_\_

Address: \_\_\_\_\_

Date Hired: \_\_\_\_\_ Date of this Request: \_\_\_\_\_

I hereby request the following family medical leave of absence. The serious health condition

\_\_\_\_\_ is anticipated and other family members are unavailable (min. 15 days advance notice)

\_\_\_\_\_ was unanticipated (oral request confirmed in writing within 3 days)

Anticipated length of leave of absence (not to exceed 12 weeks) from

\_\_\_\_\_ to \_\_\_\_\_

(start)

(return to work)

Reason for family medical leave: \_\_\_\_\_

\_\_\_\_\_

Relationship of employee to family member: \_\_\_\_\_. (If minor child, indicate age under 18: \_\_\_\_\_).

Health condition of family member necessitating leave: \_\_\_\_\_

\_\_\_\_\_

Is this condition terminal or life threatening: \_\_\_\_ Yes \_\_\_\_ No

Is another family member able to provide care? \_\_\_\_ Yes \_\_\_\_ No

If no, explain: \_\_\_\_\_

When did you first learn of the serious health condition? \_\_\_\_\_. When did you first learn of the unavailability of other family members to provide care? \_\_\_\_\_

Dates and amount of all previous family medical leave taken within the last 2 years: \_\_\_\_\_

\_\_\_\_\_

Under certain conditions, you may be required to provide written verification from the treating physician of the serious health condition. You may be requested to modify the scheduling of medical treatment or supervision to minimize disruption of operations.

\_\_\_\_\_ Date: \_\_\_\_\_

Employee signature

\_\_\_\_\_ Date: \_\_\_\_\_

Approved

Start: \_\_\_\_\_ Return to Work: \_\_\_\_\_

**F. PREGNANCY LEAVE**

A female employee affected by pregnancy, childbirth or related medical condition or occurrence may request a temporary transfer to a less strenuous or hazardous position for the duration of the pregnancy, if such a transfer is reasonably necessary and can be accommodated and a position is available. A female employee affected by pregnancy, childbirth or related medical condition or occurrence may request and shall be granted a leave of absence on account of the pregnancy, childbirth or related medical condition or occurrence for a reasonable period of time, if the leave is reasonably necessary and can be reasonably accommodated.

Request must be made as soon as practicable after the necessity of either the transfer or leave becomes known to the employee. Medical certification may be required from the employee's treating physician to substantiate the need for a transfer or leave under this policy.

Pregnancy leave will be unpaid. The employee may use either accrued vacation or accrued sick during the leave. There will be no accrual or accumulation of benefits during the leave.

At the conclusion of the pregnancy leave, and any combined period of family leave for parental leave, the employee will be re-employed in her former job or an equivalent job if the employee's former job has been eliminated. If the former job and all equivalent jobs have been eliminated, the employee will be reinstated to an available and suitable position. An employee returning to work from pregnancy and any combined period of parental leave will be reinstated and re-employed without loss of benefits which had been earned at the time the leave commenced, reduced by any vacation or sick leave used during the leave.

Pregnancy leave under this policy will run concurrently with any family medical leave provided for the same condition.

**G. MATERNITY**

A female employee affected by pregnancy, childbirth or related medical condition or occurrence may request a temporary transfer to a less strenuous or hazardous position for the duration of the pregnancy, if such transfer is reasonably necessary and can reasonably be accommodated and a position is available.

Disability or illness caused by pregnancy will be treated the same as any other temporary physical condition requiring time off from work.

An expecting mother may continue to work as long as she performs her job satisfactorily, attends work regularly, and is physically able to perform her job. She should leave work when her doctor advises her to do so; her leave should be coordinated with her supervisor. The portion of her leave during which she is unable to work for physical reasons will be covered under the District's standard employee sick pay or disability pay programs.

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Additional unpaid personal leave, up to three months, may be arranged with the Fire Chief approval, where work circumstances permit.

All requests for transfer or leave must be in writing and made as soon as practicable after the necessity of either the leave or transfer becomes known to the employee. Written verification may be required from the employee's treating physician to substantiate the need for a transfer or leave under this policy.

An employee taking pregnancy leave will be returned to work without loss of seniority or other service credits accrued on the date the leave commences. If the employee's job is no longer available when she seeks reinstatement, the Fire Chief will reinstate the employee to any other position which is available and suitable.

### H. JURY DUTY

If a summons for jury duty is received, the employee shall notify the department head. Arrangements will be made to reassign work and time off will be granted. Jurors will pay the District payments for jury duty except mileage when using personal vehicle and will be paid regular wages. Employees are expected to report for work when not selected for a jury on any day, or when jury duty requires only part of a day.

### I. MILITARY LEAVE

Upon application, the District will grant a leave of absence to members of the reserve components of the Armed Forces of the United States or the State of Oregon, or to an employee who leaves his/her employment with the District, whether voluntarily or involuntarily, to perform extended military duty. Such employees will be accorded all rights to which they are entitled under Oregon and federal law, as may be amended periodically. Military leave shall be without loss of benefits or seniority for up to a total of fifteen (15) days per year, and the District will maintain insurance benefits ordinarily provided by the District to the employee during any military leave period which does not exceed fifteen (15) continuous days in a single calendar year. Employees electing to do so may take accrued vacation while serving on annual training duty to make up the differential, if any, between military pay and the employee's regular salary. In no event will this differential be paid for more than fifteen (15) days of training duty.

### J. UNPAID LEAVE OF ABSENCE

1. General. Employees who have been continuously employed with the District for at least one (1) year may request a personal leave of absence without pay for a reasonable period of time up to sixty (60) days. Requests for leaves of absence will be considered on the basis of the employee's length of service, performance, responsibility level, the reason for the request, whether other individuals are already out on leave, and the expected impact of the leave on the employer.
2. Requests. Requests must be submitted in writing and must be approved in writing by the employee's department head before the leave begins. Requests for extensions of leaves must be submitted in writing and approved in writing by the department head before the extended period of a leave begins. It is the employee's

responsibility to report to work at the end of the approved leave. An employee who fails to report to work on the day after the leaves expires will be considered to have voluntarily resigned.

3. Status of Employee Benefits During Personal Leave. The District will not pay for group health or dental insurance premiums during any portion of an unpaid leave of absence. Accordingly, the premiums for such coverage are the complete responsibility of the employee. In order to keep the insurance in force, premiums for the entire period of the leave must be paid before the employee begins the leave. Vacation time and sick leave will not accrue during personal leave of absence.