



## Policy Manual Modification

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Approved:

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8/4/2025  
Date

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8.4.2025  
Date

Policy Update: Section 6 – Benefits/Leave Related

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### SECTION VI

#### BENEFITS/LEAVE RELATED

##### 6.1 GENERAL PROVISIONS

07/01/2025

- A. Paid time off (also referred to as leave) is an important part of the City's total rewards package and provides an employee time away from work for rest, relaxation, recuperation, and/or personal purposes. Leave benefits may also protect an employee's job during periods of personal illness/incapacitation or care for immediate family members. Leave benefits are determined by a variety of factors noted herein.
- B. The provisions of this section are not intended to be conditions of employment and may be modified, revoked, or changed at any time when it is in the best interest of the City, and eligible employees are therefore subject to all such changes. No representative or employee of the City has the authority to make any statement or guarantee that would convey a future obligation of the City to continue leave benefits as outlined in this section.
- C. 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 this section. Should emergencies arise and the requirements of the City demand it, leave may be suspended temporarily or not granted to meet service delivery needs. In addition, leave may be denied in situations when it is necessary to keep an operation or shift adequately staffed, or for other reasons deemed necessary by the City.

- D. Leave shall be requested in a manner prescribed by this section and the employee's Department Director or their designee. Leave taken without proper request and approval may result in disciplinary action and/or counted as Leave Without Pay.
- E. Employees shall not be placed in a leave status (either with or without pay) when it is known that they will not return to employment. If an employee is on authorized leave when it becomes known that they will not return, then such leave shall be discontinued. An exception to this provision includes approved retirement arrangements where the Department Director has approved the limited use of leave prior to a retirement date.
- F. Each employee in the Finance Department (except the Purchasing Division) and the Treasurer's Office shall take a minimum of five consecutive days of paid leave each calendar year, or an equivalent absence, from the Office/Department, as approved by the applicable supervisor or Department Director.

## 6.2 ELIGIBILITY

07/01/2025

All regular full-time employees (as defined in sub-section 2.8) are eligible for specific types of leave provided in this section. As such, they are subject to the terms, conditions, and stipulated waiting periods as may be provided.

Regular full-time School Bus Driver, School Car Driver, and School Bus Aide classifications are the only exceptions to the 40-hour per week minimum. These classifications work a minimum average of 30 hours per week during the school year.

Regular part-time and temporary/seasonal employees are not eligible for paid leave and are therefore expressly excluded from the provisions of this section unless otherwise indicated. Contract employees are eligible only if stipulated in the contract provisions.

## 6.3 HOLIDAYS

07/01/2025

- A. It is the policy of the City to designate and observe certain days each year as holidays. The following days shall generally be recognized as paid City holidays:

Holiday	Date Observed
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Spring Holiday	Varies - to be determined by 10/01 of the previous calendar year
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Indigenous Peoples' Day	Second Monday in October
Election Day	First Tuesday in November
Veterans Day	November 11

Day Before Thanksgiving (Half-Day)	Wednesday Before the Fourth Thursday in November
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Friday After the Fourth Thursday in November
Christmas Eve	December 24
Christmas Day	December 25
<i>Additional Time Off</i>	<i>As designated and announced by City Council</i>

B. When a holiday falls on a Saturday, the Friday preceding that day is observed as a holiday. If a holiday falls on a Sunday, the following Monday is observed as the holiday.

C. All regular full-time employees are immediately eligible for holiday pay, and are subject to the following provisions:

1. If a holiday is observed on a non-scheduled day (a day when a regular full-time employee is not scheduled to work), the employee shall be credited with the appropriate amount of holiday compensatory leave for such day. All holiday compensatory leave shall be used by the end of the pay period that includes December 31<sup>st</sup>.
2. A department may schedule work on an observed holiday as necessary to best meet their particular business needs, and departmental directors and supervisors are responsible for communicating that condition. If working on an observed holiday, the employee will be paid as if the day were a regularly scheduled workday, and the department will determine the option of an employee receiving additional hour-for-hour pay for the holiday (only for non-exempt employees) or earning compensatory leave (this applies to both exempt and non-exempt employees). This does not apply to employees who earn holiday compensatory leave at the beginning of the calendar year.
3. Employees on administrative leave with pay during a period in which a holiday is observed shall not receive an alternative day off for the holiday.
4. Employees on City-paid short-term disability and/or on workers' compensation will not receive holiday pay.
5. In order to receive holiday pay, an eligible non-exempt employee must be at work or taking an approved, paid absence for the total working hours of the day immediately preceding and immediately following the day on which the holiday is observed. In addition, if an employee is absent on one or both of these days because of personal illness or injury, the City may require verification of the reason for the absence before approving the holiday.

#### D. Use & Payment of Holiday Compensatory Leave

1. Holiday compensatory leave is generally earned before it is taken and granted in a manner mutually agreeable to the employee and the employee's supervisor

and/or department director. Holiday compensatory leave shall be requested three (3) days in advance, unless a greater number of days' notice is required by the employee's department. Leave shall be arranged to meet business requirements and shall be used in no less than ¼ hour increments (0.25). However, there are several departments within the City that schedule holiday leave for certain employment classifications in advance.

- a. If an employee terminates employment with the City and has utilized more holiday compensatory leave hours than holidays that have occurred in the current calendar year, the City will offset existing final vacation, compensatory, and/or sick leave balances to the extent necessary.
  - b. If the remaining leave balances do not cover the holiday compensatory leave owed, the City will invoice the employee for the applicable leave balance. The City will take steps necessary to collect the amount, and the employee shall be responsible for legal fees and/or other costs incurred related to collection efforts.
2. Holiday compensatory leave that is accrued shall be used through the end of the pay period that includes December 31<sup>st</sup>. For unused holiday compensatory leave, the employee shall be compensated following the pay period that includes December 31<sup>st</sup>. Accrued holiday compensatory leave earned year-to-date shall be used prior to vacation leave available.

#### **6.4 COMPENSATORY LEAVE**

**07/01/2025**

- A. It is the discretion of each department to determine whether employees are permitted to earn compensatory leave.
- B. Compensatory leave is paid time off for eligible employees whose supervisor has approved (1) additional work hours in a workweek in which the employee has worked over forty (40) hours, (2) hours worked on an authorized administrative closing, or (3) hours required to be worked on an observed holiday.
- C. Exempt employees do not earn compensatory leave except when required by their supervisor to work during a City holiday or during an authorized administrative closing.
- D. Compensatory leave may be used for any purpose and shall be used by the end of the pay period that includes December 31<sup>st</sup> annually, with the exception as listed below. Accrued compensatory leave hours shall be used before other available forms of paid leave.
- E. Compensatory Leave – Limitations
  1. Eligible employees may accrue up to forty (40) hours of compensatory leave (at any one time) per calendar year.

2. Employees who have accrued the applicable limit of forty (40) hours (at any time during the calendar year) must be paid the actual compensation for any additional hours worked.
3. All unused compensatory leave should be used by the employee by the end of the pay period that includes December 31<sup>st</sup>. Any remaining balance of hours, at the end of the pay period that includes December 31<sup>st</sup>, shall be paid to the employee on the following pay date.

## 6.5 VACATION LEAVE

10/01/2025

Vacation leave is accrued and earned based on the eligible employee's classification, length of service, and on the time actually worked. In addition, a limited amount of vacation leave may be carried over for subsequent years. Employees terminating City service will be paid out for leave accrued, up to the maximum carryover limit for vacation leave hours.

### A. Vacation Leave – Full-Time Employee Accrual

Vacation leave shall be accrued on a monthly basis according to the applicable schedule below. Those full-time employees whose *regular* work schedule is less than *or* exceeds 2080 hours per year shall accrue vacation leave on a prorated basis determined by the City. Vacation leave is accrued at the end of each month (after the last pay day in each month) and cannot be used until it is accrued. For purposes of computing the monthly accrual at the end of a calendar month in which an employee is hired or separated, full credit shall be granted if the employee is hired on or before the 15<sup>th</sup>, and full credit shall be granted if the employee terminates on or after the 16<sup>th</sup>. Vacation hours will not accrue during any unpaid absences (including FMLA, leave-without-pay [LWOP] and disciplinary suspension of duties) that last longer than the hours equivalent to one pay period in a calendar month.

A new employee shall work a *minimum* of 12 days to receive vacation leave compensation upon termination of City employment.

The Full Time, Regular Personnel Accrual Schedule is outlined below:

#### Full Time, Regular Personnel (2080 Hours Per Year)

Years of Service	Hours Accrued Per Month	Hours Accrued Per Year	Maximum Carry-Over Limits
0-5 Years	12 Hours	144 Hours	240 Hours
5-10 Years	14 Hours	168 Hours	288 Hours
10-15 Years	16 Hours	192 Hours	336 Hours
15-20 Years	18 Hours	216 Hours	384 Hours
20 Years & Above	20 Hours	240 Hours	432 Hours

#### 24-Hour Fire Suppression Personnel (2756 Hours Per Year)

Years of Service	Hours Accrued Per Month	Hours Accrued Per Year	Maximum Carry-Over Limits
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0-5 Years	16 Hours	192 Hours	318 Hours
5-10 Years	18.5 Hours	222 Hours	382 Hours
10-15 Years	21 Hours	252 Hours	446 Hours
15-20 Years	23.5 Hours	282 Hours	508 Hours
20 Years & Above	26 Hours	312 Hours	572 Hours

**School Bus Driver & School Bus Aide Personnel (30 Hours Per Week)**

<b>Years of Service</b>	<b>Hours Accrued Per Month</b>	<b>Hours Accrued Per Year</b>	<b>Maximum Carry-Over Limits</b>
0-5 Years	9 Hours	108 Hours	180 Hours
5-10 Years	10.5 Hours	126 Hours	216 Hours
10-15 Years	12 Hours	144 Hours	252 Hours
15-20 Years	13.5 Hours	162 Hours	288 Hours
20 Years & Above	15 Hours	180 Hours	324 Hours

**B. Vacation Leave – Maximum Accumulation & Payout**

Employees may carry forward to a new calendar year vacation leave balances of no more than the applicable Maximum Carry-Over Limit as specified in the above leave schedule. At the end of the calendar year, employees may be paid for up to eighty (80) hours of vacation leave if their balance is above their maximum carryover limit from the City.

City employees shall forfeit after the pay period that includes December 31<sup>st</sup> each year any hours accumulated beyond the maximum carry-over hours allowed, less the eighty (80) hour vacation leave payout.

**C. Vacation Leave – Scheduling & Use**

Vacation leave shall be earned before it is taken and granted in a manner mutually agreeable to the employee and the employee's supervisor and/or Department Director. Vacation leave shall be requested three days in advance, unless a greater number of days' notice is required by the employee's Department. Vacation leave shall be arranged to meet business requirements and shall be used in no less than ¼ (0.25) hour increments.

An approved City holiday shall not constitute a vacation leave day; when a holiday falls within an employee's vacation leave, the day shall be charged to holiday leave rather than vacation leave.

**D. Vacation Leave – Transfer, Demotion, & Promotion**

When an employee is transferred, promoted, or demoted to another full-time position, unused vacation leave accrual remains the same as though no change has occurred, unless the employee is transitioning to a position in a different salary schedule (e.g., fire suppression to general). The existing hours will be multiplied or divided by a factor of 1.325 depending on the circumstance, not to exceed the maximum carry-over limit. In the event that a full-time employee moves to a part-time position, they shall be paid for all unused vacation leave not exceeding the maximum carry-over limit.

#### E. Vacation Leave – Payment at Separation

An employee who is terminating City employment due to a voluntary resignation or involuntary separation shall be compensated for unused vacation leave hours not to exceed the maximum carry-over limit. An employee who is retiring from City employment under Virginia Retirement System service or disability retirement will be paid their vacation leave balance up to 80 hours above the maximum carry-over limit.

An employee who is terminated on or after the 16<sup>th</sup> of the month will accrue vacation leave hours for that month, if the employee is not in a leave without pay (LWOP) status immediately prior to the termination.

#### F. Vacation Leave – Cashout Option

By December 15<sup>th</sup> of each calendar year, an employee may request to ‘cash out’ up to forty (40) hours of vacation leave. Cashouts will be made with the pay period in January which includes the date of December 31<sup>st</sup>. Cashed out hours will be paid at the employee’s regular rate of pay at the time of payment. The eligibility requirements are as follows:

1. An employee’s minimum vacation leave balance after cashout must be at least 40 hours.
2. An employee shall make their request through a form provided by and submitted to Human Resources by December 15<sup>th</sup> of the calendar year, at the time specified.
3. If an employee is receiving a *vacation leave payout* as specified in Section 6.5(B), and is also requesting a *vacation leave cashout*, no more than eighty (80) hours will be paid between both payout and cashout options.

### 6.6 EMERGENCY WITHDRAWAL

10/01/2025

The City recognizes that unforeseeable emergencies may cause financial hardship for employees. Under such circumstances, the City may allow a partial emergency payout of the value of the regular, full-time employee’s accumulated vacation leave balance to assist in addressing the financial hardship.

An unforeseeable emergency is defined as a severe financial hardship created by:

- Sudden and unexpected illness or accident involving an employee or their immediate family;
- Loss of, or damage to, an employee’s property due to an accident, disaster, destruction, or theft; or
- Other similar, equally severe and unforeseen circumstances beyond the employee’s control.

The use of an employee’s vacation leave balance must represent a last resort. Emergency circumstances must be sudden, unexpected, and unbudgeted.

#### A. Examples of Qualifying Requests:

- Medical bills resulting from an accident or unexpected illness with expenses not covered by insurance;
- Damage to an employee's home due to an accident or natural disaster (beyond insurance reimbursement);
- Damage to an employee's vehicle or other personal property due to an accident or natural disaster (beyond insurance reimbursement);
- Legal bills involving criminal charges against an employee or an immediate family member;
- Expenses associated with the imminent foreclosure of, or eviction from, an employee's residence;
- Funeral expenses for a family member.

**B. Examples of Non-Qualifying Requests:**

- Purchase of a home or vehicle;
- Education expenses, such as college tuition;
- Normal monthly expenses, such as rent or mortgage payments, utility payments, credit card payments, etc.;
- Routine medical/dental bills;
- Marital separation or divorce proceedings;
- Repayment of loans.

**C. Requirements for the Partial Emergency Withdrawal:**

1. The employee shall complete an Emergency Vacation Leave Withdrawal Form;
2. The employee shall contact the City's Employee Assistance Program (EAP) to schedule an appointment with a counselor. The counselor must complete their section of the form, including recommendations for future sessions;
3. The form and all supporting documentation shall be submitted to Human Resources;
4. The request shall be received (minimally) three days in advance of the needed compensation;
5. The employee shall maintain a minimum of forty (40) hours of vacation leave in their leave bank, and is also not eligible for vacation leave cashout;
6. The employee may only request an emergency withdrawal of vacation leave funds once per fiscal year;
7. Approved emergency withdrawal payments are generally made with the next available pay date.

## **6.7 SICK LEAVE**

**10/01/2025**

Sick leave is earned, paid leave granted to eligible employees for periods of absence because of personal or family care as specified in the utilization section below. Sick leave is a privilege granted by the City for full-time, regular employees, and is not accrued in the sense that it must be taken. It is accrued and available when justified.

**A. Sick Leave – Full Time Employee Accrual**



Sick leave shall be accrued on a monthly basis according to the applicable schedule below. Those full-time employees whose *regular* work schedule is less than or exceeds 2080 hours per year shall accrue sick leave on a prorated basis determined by the City. Sick leave is accrued at the end of each month (after the last pay day in each month) and cannot be utilized until it is accrued. For purposes of computing the monthly accrual at the end of the calendar month in which an employee is hired or separated, full credit shall be granted if the employee is hired on or before the 15<sup>th</sup>, and full credit shall be granted if the employee terminates on or after the 16<sup>th</sup>. Sick leave will not accrue during any unpaid absences (including FMLA, leave without pay [LWOP], and disciplinary suspension of duties) that last longer than the hours equivalent to one pay period in a calendar month.

Sick leave hours shall be accrued at the following rates, and have the below maximum carry-over limits, depending on an employee's Virginia Retirement System (VRS) plan type, employee eligibility, and employee election (in certain cases):

**Full Time, Regular Personnel (2080 Hours Per Year)**

<b>Employee VRS Classification</b>	<b>Hours Accrued Per Month</b>	<b>Hours Accrued Per Year</b>	<b>Maximum Carry-Over Limits</b>
Hired Prior to 1/1/2014	10 Hours	120 Hours	No Limit
Hired After 1/1/2014 VRS Plan I or Plan II Electing Short-Term Disability Policy	5 Hours	60 Hours	440 Hours
Hired After 1/1/2014 VRS Plan I or Plan II Waived Short-Term Disability Policy	10 Hours	120 Hours	No Limit
Hired After 1/1/2014 VRS Hybrid Automatically Enrolled in Short-Term Disability Policy	5 Hours	60 Hours	440 Hours

**Full Time, Fire Suppression Personnel (2756 Hours Per Year)**

<b>Employee VRS Classification</b>	<b>Hours Accrued Per Month</b>	<b>Hours Accrued Per Year</b>	<b>Maximum Carry-Over Limits</b>
Hired Prior to 1/1/2014	13 Hours	156 Hours	No Limit
Hired After 1/1/2014 VRS Plan I or Plan II Electing Short-Term Disability Policy	6.5 Hours	78 Hours	572 Hours
Hired After 1/1/2014 VRS Plan I or Plan II Waived Short-Term Disability Policy	13 Hours	156 Hours	No Limit

**School Bus Driver & School Bus Aide Personnel (30 Hours Per Week)**

<b>Employee VRS Classification</b>	<b>Hours Accrued Per Month</b>	<b>Hours Accrued Per Year</b>	<b>Maximum Carry-Over Limits</b>
Hired Prior to 1/1/2014	7.5 Hours	90 Hours	No Limit
Hired After 1/1/2014 VRS Plan I or Plan II Electing Short-Term Disability Policy	3.75 Hours	45 Hours	330 Hours
Hired After 1/1/2014 VRS Plan I or Plan II Waived Short-Term Disability Policy	7.5 Hours	90 Hours	No Limit
Hired After 1/1/2014 VRS Hybrid Automatically Enrolled in Short-Term Disability Policy	3.75 Hours	45 Hours	330 Hours

**B. Sick Leave – Maximum Accumulation**

Depending on applicable sick leave classification, employees will not earn sick leave above their maximum carry-over limit at any time during the calendar year.

**C. Sick Leave – Scheduling & Use (Personal)**

Sick leave hours shall not be granted for more than that accrued by the employee. An employee may use accrued sick leave during an approved vacation leave when a doctor's statement is provided, or with the approval of the Department Director. Accrued sick leave may be granted in no less than  $\frac{1}{4}$  (0.25) hour increments for the following purposes:

1. Personal illness, medical (physical or psychological) incapacity, injury, medical quarantine, disease, or similar condition which prevents the employee from performing their assigned duties.
2. Exposure to a contagious disease such that the employee's presence on duty would jeopardize the health of co-workers.
3. Personal medical appointments/examinations, provided that the Department Director or supervisor is notified in advance, when foreseeable. Fire Suppression personnel are required to schedule physician appointments when off duty.

**D. Sick Leave – Scheduling & Use (Care of Immediate Family & Bereavement)**

Sick leave hours may also be used for the care of an immediate family member under the following circumstances:

1. Care for an immediate family member (as defined below) with illness, medical (physical or psychological) incapacity, injury, medical quarantine, medical appointments/examinations (provided that the Department Director or supervisor is notified in advance, when foreseeable), disease, or similar condition.

2. For the use of sick leave, immediate family member shall mean an employee's spouse/partner, child, parent, spouse/partner's parent, person for whom the employee has been appointed legal guardian, and equivalent step-relations. In addition, the City shall give consideration as immediate family an individual residing within the employee's household who is related by blood or affinity, and whose close association with the employee is the equivalent of a family relationship.
3. Bereavement leave shall be pursuant to Section 6.13. However, if bereavement leave is requested to be extended past the time allotted in the aforementioned section, up to and not to exceed the hours as outlined below and approved by the Department Director:
  - Full-Time, Regular Personnel (2080 hours per year) – 40 hours
  - Full-Time Fire Suppression Personnel (2756 hours per year) – 53 hours
  - Full-Time School Bus Driver & School Bus Aide Personnel (30 hours per week) – 30 hours

E. Sick Leave – Notification

In the case of the need to utilize sick leave, an employee shall notify their immediate supervisor in accordance with department requirements. Failure to abide by notification procedures may be cause for disciplinary action.

F. Sick Leave – Abuse of Sick Leave

When in the judgement of a Department Director in consultation with Human Resources, an employee is abusing sick leave benefits, disciplinary action up to and including termination from City employment may result.

G. Sick Leave – Proof of Illness

Department Directors in consultation with Human Resources, may at their discretion require an employee to furnish a certificate issued by a licensed physician or registered nurse or other satisfactory evidence of illness, injury, medical condition, or medical/dental appointments to certify the reason for absence.

H. Sick Leave – Light Duty Work

The City strives to promote a successful recovery from any work-related or personal injury and has established guidelines for supervisors to follow when an employee returns to work with restrictions.

1. Pursuant to subsection G above, an employee shall be required to provide a detailed doctor's report specifying exact restrictions, the nature of the illness or injury, and the dates that the employee shall be away from work.
2. When an employee returns to full duty, they must provide a physician's recommendation with a full release to return to normal job duties.

3. The City shall accommodate as much as reasonably possible, an employee's work restrictions. Human Resources, in consultation with the Department, shall provide the attending physician with a detailed description of the employee's actual duties and a copy of the classification specification. Any other pertinent information related to the employee's job duties should also be described to the attending physician.
4. The City does not have an obligation to the employee to provide light duty work, whether for a work-related illness or injury, or for a personal illness or injury.
5. Any employee participating in a light duty assignment who is covered under Family Medical Leave (FMLA) regulations will not be eligible for an assignment at a reduced pay rate.

**I. Sick Leave – Transfer, Promotion, Demotion**

When an employee is transferred, promoted, or demoted to another full-time position, unused vacation leave accrual remains the same as though no change has occurred, unless the employee is transitioning to a position in a different salary schedule (e.g., fire suppression to general). The existing hours will be multiplied or divided by a factor of 1.3 depending on the circumstance, not to exceed the maximum carry-over limit.

**J. Sick Leave – Payment at Separation**

An employee will be paid in a lump sum for the maximum allowable amount of accrued sick leave (in accordance with the sick leave payout schedule listed below) when an employee leaves City service by resignation (including resignation from layoff status), retirement, termination, or death. The payout schedule is based on conditions of separation from employment. Payment of accrued sick leave at separation does not apply to employees terminated for gross misconduct.

<b>Employment Separation in Cases Other Than VRS Retirement</b>	
<b>Years of Consecutive Service</b>	<b>Sick Leave Payout Schedule</b>
5 Years	25% of Accumulated Sick Leave (\$2,500 Maximum)
10 Years	25% of Accumulated Sick Leave (\$5,000 Maximum)
15 Years	25% of Accumulated Sick Leave (\$7,500 Maximum)
20 Years	25% of Accumulated Sick Leave (\$10,000 Maximum)
<b>Employee VRS Retirement at Time of Separation</b>	
<b>Years of Consecutive Service</b>	<b>Sick Leave Payout Schedule</b>
5 Years	25% of Accumulated Sick Leave (\$5,000 Maximum)
10 Years	25% of Accumulated Sick Leave (\$10,000 Maximum)
15 Years	25% of Accumulated Sick Leave (\$15,000 Maximum)
20 Years	25% of Accumulated Sick Leave (\$20,000 Maximum)

In the event of death, the employee's estate shall receive payment for the accumulated sick leave for which the employee would have been eligible. An employee who is re-employed shall not be eligible for sick leave separation until they have worked for another period of five years.

K. Sick Leave – Provided at Time of Hire

Although the use of leave is generally discouraged during the beginning of City employment, it is acknowledged that illness and appointments occur. The equivalent of one workweek of sick leave shall be provided to all regular, full-time employees at the time of hire, as noted below:

- Full-Time, Regular Personnel (2080 hours per year) – 40 hours of sick leave
- Full-Time Fire Suppression Personnel (2756 hours per year) – 53 hours of sick leave
- Full-Time School Bus Driver & School Bus Aide Personnel (30 hours per week) – 30 hours of sick leave

The provision of this section related to proper use of sick leave apply.

**6.8 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

**10/01/2025**

The Family and Medical Leave Act (FMLA) provides job and benefit protection for eligible employees who must take certain types of leave. Refer to the U.S. Department of Labor Wage and Hour Division for details regarding the FMLA, including definitions, requirements, and rights, as the information below is not fully inclusive of the Act and is meant to be a general overview.

A. Employee Eligibility

To be eligible for FMLA benefits, an employee shall meet the following criteria:

- Shall have been employed by the City of Harrisonburg for at least twelve months prior to the commencement of the leave (12 months need not be consecutive); and
- Worked for at least 1,250 hours during the 12-month period prior to the commencement of the leave.

B. Qualifying Leave Types

Eligible employees may qualify for FMLA leave for the following reasons:

- Birth of a child and to care for the newborn child;
- Placement of a child with the employee for adoption or foster care, including attending required counseling sessions, legal or court proceedings, and medical consultations or examinations;
- Care for the employee's spouse, child, or parent with a serious health condition;
- When the employee is unable to perform the essential functions of the position due to the employee's own serious health condition;

- A qualifying exigency arising out of the employee's spouse, child, or parent being a covered military member on covered active duty;
- Care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, child, parent, or next of kin (military caregiver leave).

#### C. Serious Health Condition

A *serious health condition* is defined as an illness, injury, impairment or physical or mental condition that involves:

- (1) A period of incapacity or treatment involving inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility, and any later treatment, or
- (2) Continuing treatment or supervision by a health care provider for:
  - a. A period of incapacity of more than three consecutive, full (calendar) days with follow-up treatment;
  - b. Any period of incapacity due to pregnancy or for prenatal care;
  - c. A period of incapacity or treatment for a chronic serious health condition (one that requires periodic treatments and that lasts an extended period of time, including episodic conditions such as asthma, diabetes, and epilepsy);
  - d. A permanent or long-term health condition that is incurable; or
  - e. Multiple treatments for restorative surgery after an injury or for a condition that failure to treat would result in more than three days of incapacity (such as cancer or kidney disease).

Self-treatment using over-the-counter medications, and routine physical, eye and dental examinations, generally are not covered by the FMLA. Unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that generally do not meet the definition of a serious health condition.

Time missed due to a Workers' Compensation incident shall be allocated as FMLA, provided the injury or illness meet the FMLA definition of a serious health condition.

#### D. Qualifying Exigency Leave

An eligible employee may use up to 12 weeks of FMLA leave for qualifying exigencies when their spouse, child, or parent is on covered active duty or under an impending call to covered active duty. Covered active duty involves:

- A member of the Regular Armed Forces – duty during deployment with the Armed Forces to a foreign country or international waters, or
- A member of the National Guard or Reserves – duty during deployment with the Armed Forces to a foreign country or international waters under a call or order to active duty in support of a contingency operation.

Qualifying exigencies can include:

- Short-notice deployment (notified 7 or fewer calendar days prior to deployment)

- Military events and related activities
- Childcare and related activities
- Care of the military member's parent
- Financial and legal arrangements
- Attending counseling
- Rest and recuperation (up to 15 days during military member rest and recuperation leave)
- Post-deployment activities (within 90 days of the end of the military member's covered active duty)

Appropriate documentation and certification will be required to be provided to the employer to support an employee's request for qualifying exigency leave, including information related to the classification and purpose of the qualifying exigency, a copy of the military member's active-duty orders, and a copy of the military member's rest and recuperation orders, if applicable.

#### E. Military Caregiver Leave

An eligible employee may use up to 26 weeks of FMLA leave within a single 12-month period to care for a covered servicemember with a serious injury or illness given that the servicemember is the employee's spouse, child, parent, or next of kin. A next of kin means the servicemember's nearest blood relative, other than the servicemember's spouse, child, or parent.

A covered servicemember is defined as a current servicemember or a veteran.

A current servicemember meets conditions for leave if they:

- Are a current member of the Armed Forces, including members of the National Guard or Reserves,
- Are undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or on the temporary disability retired list, and
- Have a serious injury or illness.
  - A serious injury or illness that occurred in the line of duty or active duty in the Armed Forces or prior condition that was aggravated by service in the line of duty or active duty in the Armed Forces and that may cause the servicemember to be medically unfit to perform their military duties.

A veteran meets conditions for leave if they:

- Are a veteran of the Armed Forces, including veterans of the National Guard or Reserves.
- Are undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and
- Were discharged within the five years prior to the employee's first use of FMLA leave for the veteran's care.

A certification completed by an authorized health care provider or other appropriate documentation is required to be provided to the employer to support an employee's request for military caregiver leave.

F. Length of Leave

Eligible employees may take up to 12 workweeks of FMLA in a 12-month period for their own serious health condition, to care for a family member that has a serious health condition, birth of a child, placement of a child for adoption or foster care, or qualifying exigencies. FMLA leave entitlement for birth, adoption or foster care placement expires 12 months after the date of birth or placement of the child.

An eligible employee may take up to 26 weeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness when the employee is the spouse, child, parent, or next of kin of the servicemember. An eligible employee is limited to a combined total of 26 weeks of leave for any FMLA qualifying reasons during the single 12-month period, should they need utilization of military caregiver leave as well as an FMLA qualifying reason other than military caregiver leave.

The City of Harrisonburg calculates the 12-month period as a “rolling” 12-month period measured backward from the date the employee takes FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the 12 weeks less any FMLA leave used during the immediately preceding 12 months.

Total FMLA leave entitlement is determined based on a “normal” workweek. Employees normally working 40 hours per week have a 12-week leave equivalent of 480 available hours. Part-time employees’ leave allotment is determined on a pro-rated basis.

FMLA leave may be utilized in on unbroken period or intermittently, should the circumstance or condition require intermittent leave. In all cases, the leave may not exceed the hourly equivalent of 12 weeks, for all leaves other than military caregiver leave, which allows 26 weeks, within the 12-month period. The City of Harrisonburg may temporarily transfer an employee to an available alternative position with equivalent pay and benefits should the equivalent position be more conducive to intermittent leave. Intermittent leave for the birth, adoption, or foster care of a child, the City of Harrisonburg and the employee must mutually agree to the schedule before the employee may take the leave intermittently or in a reduced schedule.

G. Substituting Paid Leave

Where an employee takes approved FMLA leave, the employee shall use accrued leave concurrently with FMLA leave provided the employee is eligible for both paid leave and FMLA and that the employee has actually accrued paid leave as FMLA commences. Utilizing paid leave does not extend the 12-week period for the employee. The following leave types will be used in accordance with the applicable eligibility requirements within this policy.

- Short-term disability
- Parental leave
- Compensatory time, including holiday compensatory time
- Sick leave



- Vacation leave

Once eligible leave types are exhausted, the employee enters a Leave Without Pay (LWOP) status.

Where an employee is receiving workers' compensation or disability benefits at one hundred percent income replacement while out on FMLA leave, other paid leave shall *not* be substituted. However, the City offers the ability for employees to use sufficient leave to cover expenses related to employee payment of insurance premiums and other required deductions.

#### H. Benefits Provided During Leave

During any FMLA leave, the City shall maintain the employee's medical coverage on the same conditions that coverage would have been provided if the employee had been actively working continuously during the entire leave period. The City of Harrisonburg and the employee shall each continue to pay their portion of the benefit costs. In some instances, the City may recover premiums paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

An employee on approved FMLA leave that is in a *Leave Without Pay* status and/or is not able to work a minimum of 80 hours per month, shall not accrue vacation and sick leave (nor earn VRS service credit for that month). Additionally, the employee shall not earn holiday leave while in a *Leave Without Pay* status. For those employees returning from any unpaid FMLA leave, accrual of sick and vacation leave shall resume as indicated in subsection 6.5 and 6.8 of the Benefits/Leave Related policy. Where FMLA leave is taken on an intermittent basis or as a reduced-schedule, sick leave and vacation leave will continue to accrue if the requisite number of hours are paid.

#### I. FMLA Procedure and Reporting Administration procedures are outlined in the Personnel Procedures Memorandum #13.

Employees requesting FMLA leave must provide verbal or written notification of the need for leave to their supervisor. This information is then forwarded to the Human Resources department. An employee shall give the City 30 days' notice of their need for FMLA leave if the leave is foreseeable. If it is not possible to give 30 days' notice or the need for leave occurs unexpectedly, the employee shall give the City as much advanced notice as possible. To the extent applicable, HIPAA laws and requirements must be met.

Leaves requested for an employee's own serious health condition or care for eligible persons with a serious health condition will require sufficient information provided by a health care provider. A Certification or other document must contain the date on which the serious health condition began, its probable duration, and the appropriate medical facts within the knowledge of the health care provider regarding the condition, to include the estimated leave needed. Recertification of leaves will be requested when applicable. The City has the right to ask for a second opinion if deemed necessary, at the City's expense.

Following a leave for an employee's own serious health condition, the employee is required to provide documentation from a health care provider notifying of their ability to return to work.

Employees on FMLA shall be reinstated the same or equivalent position, with equivalent pay, benefits, and other terms and conditions of employment, unless the employee would not have been employed at the time reinstatement is requested, such as due to reduction in force.

Falsification of any leave request, medical certification, or other form or documentation shall be punishable by termination. Failure to return to work following FMLA leave, unless medically necessary, may result in termination of employment.

## **6.9 PARENTAL LEAVE**

**01/01/2025**

In its commitment to healthy families, the City will provide up to eight (8) workweeks per year (rolling twelve-month period) of paid parental leave to eligible employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. Each week of paid parental leave is compensated at one hundred percent of the employee's regular, straight time weekly pay in their applicable hours (e.g., 40 hours per week, 53 hours per week, 30 hours per week, etc.) and is outlined in hours as follows:

- Full-Time, Regular Personnel (2080 hours per year) – 320 hours of parental leave
- Full-Time Fire Suppression Personnel (2756 hours per year) – 424 hours of parental leave
- Full-Time School Bus Driver and School Bus Aide Personnel (30 hours per week) – 240 hours of parental leave
- Part-Time, Regular Personnel (Average weekly hours determined utilizing a six-month look-back period of regular, non-overtime, worked hours from date of event).

Parental leave is leave for an employee (birthing or non-birthing) to care for and bond with a newborn, newly adopted, or newly placed child age 17 or younger; limited to one occurrence per child. The adoption of a new spouse's child is excluded from this policy.

A. Parental Leave Eligibility - Employees who become parents via birth, adoption, or foster care and meet the following criteria will be eligible for parental leave. Eligibility determinations are made as of the date that the child is born or placed via adoption or foster care.

1. Meet the following eligibility criteria for parental leave as described below:
  - a. Shall have been employed with the City for at least six consecutive (6) months, and;
  - b. Have been paid and/or worked at least 500 regular, non-overtime hours during the six (6) consecutive months immediately preceding the date the parental leave would begin, and;

c. Be a regular full-time or regular part-time employee.

2. If both parents work for the City and meet the eligibility criteria, each is entitled to up to eight (8) weeks of parental leave.

B. Parental Leave Criteria

1. Parental leave shall be used within six (6) months of the birth or placement of a child.
2. Eligible employees may use parental leave for one continuous period of time or utilize parental leave intermittently. Intermittent parental leave shall be subject to approval by the Department Director or their designee.
3. Parental leave may be used to supplement short-term disability paid leave benefits (up to regular weekly work hours) following the birth of a child and/or may be accessed to supplement short-term disability during or after the short-term disability benefits related to birth cease.
4. Parental leave may be used to supplement sick leave (up to regular weekly work hours) for the time that the employee is disabled as a result of a birth of a child with applicable medical documentation and after the period of disability related to birth ceases.
5. The number of children born, adopted, or placed during a single event does not increase the leave allowance of eight (8) weeks in a twelve-month period.
6. Parental leave may be utilized only once during a twelve-month period, with the exception of a stillborn birth.
7. Unused parental leave is forfeited six (6) months from the date of the birth/placement.
8. Unused parental leave is not compensable if an employee separates from employment.
9. Parental leave terminates at the conclusion of a foster care placement or within six (6) months of the placement, whichever comes first.
10. During City holiday leave, administrative closure, or bereavement leave event while an employee is on parental leave, that day will be paid as a holiday, administrative day, or bereavement leave accordingly.
11. Paid parental leave shall run concurrently with FMLA. After the paid parental leave (and eligible short-term disability leave/sick leave for employees giving birth) is exhausted, the balance of FMLA eligibility (if applicable) will be compensated through the employee's eligible paid leave accrual balance(s).
12. If parental leave is still available, an employee cannot go in a leave without pay status.

13. In the unfortunate event of a stillborn birth, refer to the Bereavement Leave section of this policy.

C. Parental Leave – Request

1. The employee will provide their supervisor and the Human Resources Department with notice of the request for parental leave at least sixty (60) calendar days prior to the proposed date of the parental leave (or if the parental leave was not foreseeable, as soon as possible).
2. The employee shall provide all documentation as required by Human Resources.

**6.10 EMERGENCY & INCLEMENT WEATHER**

**01/01/2019**

Occasionally emergency events or weather conditions may become such that it is difficult or impossible for an employee to get to work. During these times the City may curtail operations and will operate under an administrative closing or liberal leave status.

Refer to HR Procedures Memorandum #14 for specific details on definitions of administrative closing and liberal leave operational status, employee notification and compensation during emergency events and inclement weather.

**6.11 LEAVE WITHOUT PAY/LEAVE OF ABSENCE**

**10/01/2025**

Employees shall be required to use accrued vacation leave, sick leave, compensatory leave, or holiday compensatory leave prior to use of leave without pay (LWOP). However, sick leave is only to be used for an employee's personal illness or an illness of an immediate family member as specified in the aforementioned sick leave section.

Department Directors have the authority to grant an employee up to ten (10) consecutive workdays of LWOP. Requests for leaves of absence without pay for more than ten (10) working days shall be recommended by the Department Director to Human Resources, and forwarded to the City Manager for consideration.

A leave of absence, greater than ten (10) consecutive workdays, with or without pay, may be granted in necessary circumstances, not to exceed twelve (12) months, except for specific courses of study or for active military duty. A leave of absence such as this shall be recommended by the Department Director to Human Resources, and forwarded to the City Manager for consideration.

A. Leave Without Pay/Leave of Absence – Requirements

- An employee who is in an approved LWOP status or is on disciplinary suspension for more than the hours equivalent to one pay period in a calendar month shall not accrue vacation leave, sick leave, or holiday leave.
- An employee who is in an approved LWOP status at any time during the month and does not have enough pay to cover the employee portion of Virginia Retirement System (VRS) will not earn VRS service credit for that month.

- An employee who is in LWOP and is not on an approved FMLA will be offered the option to continue insurance benefits (if applicable) through the provision of COBRA and will be responsible for the employee and employer premium, in addition the administrative fee.
- An employee absent from work due to a Workers' Compensation incident shall earn sick leave and vacation leave, but shall not receive holiday pay while on Workers' Compensation leave.
- An employee on approved FMLA or FMLA-Military Leave is not responsible for the employer's share of the insurance premiums (for the duration of the twelve or twenty-six week period). At the end of the approved FMLA period, if the employee is not able to return to work, the employee shall be offered the opportunity to participate in all insurance options available, flexible spending accounts, and employee assistance program coverage through COBRA.

#### B. Leave Without Pay/Leave of Absence – Exceptions

- Employees on approved active military leave will continue to accrue sick and vacation leave. The City does not contribute to VRS for military personnel on extended active duty, however, the employee may request that their service time be added to their VRS service credit upon return to full time employment under a VRS covered employer.  
HR Procedures Memorandum #15 applies to this policy section.

### 6.12 UNAUTHORIZED ABSENCE

05/01/2009

An unauthorized absence constitutes a failure to arrive on the job during a scheduled workday or period. No wages will be paid for unauthorized absences, and the absence may be grounds for disciplinary action up to and including termination.

In the case where the conditions warrant, and adequate reasons for failure to secure proper authorization for the absence is found to exist, the absence may be authorized by a later granting of leave.

In the case of emergencies or unusual circumstances, the employee may be required to work additional hours. Failure to work required additional hours during emergencies declared by a Department Director or the City Manager, shall be considered an unauthorized absence.

An employee who is absent without notification (failure to report or call in to their immediate supervisor) for three consecutive business days shall be considered terminated from City employment due to voluntary resignation or job abandonment. If the employee can present information which would change the understanding of the absence, the termination *may* be reevaluated by the Department Director in consultation with Human Resources.

### 6.13 BEREAVEMENT LEAVE

10/01/2025

Bereavement leave is paid time off granted to regular, full-time employees upon the death of an employee's immediate family member for the purpose of attending services, handling the

affairs of the deceased, or similar support needs. For bereavement leave, immediate family is defined as the employee's spouse/partner, parent, spouse/partner's parents, child (including stillborn birth, defined as a loss at or after 20 weeks of pregnancy, according to the U.S. Centers for Disease Control & Prevention), brother, sister, grandparent, grandchild, brother- or sister-in-law, son- or daughter-in-law, person for whom the employee is the legal guardian, and equivalent step-relations. In addition, the City shall give consideration as immediate family an individual residing within the employee's household who is related by blood or affinity and whose close association with the employee is the equivalent of a family relationship. The Department Director shall make this determination in consultation with Human Resources.

Bereavement leave, if requested by the employee, shall be granted by the Department Director not to exceed the hours as outlined below):

- Full-Time, Regular Personnel (2080 hours per year) – 40 hours of bereavement leave
- Full-Time Fire Suppression Personnel (2756 hours per year) – 53 hours of bereavement leave
- Full-Time School Bus Driver, School Car Driver, & School Bus Aide Personnel (30 hours per week) – 30 hours of bereavement leave

Department Director approval is necessary for the employee to use the hours other than consecutively. In the event of multiple deaths in the employee's family (as defined above), each death will be treated separately, and bereavement leave granted accordingly.

If more than the allotted number of hours is required, an employee may be able to extend bereavement leave with the use of earned sick leave, subject to Department Director approval. If sick leave is desired for a death other than the immediate family, an employee may be able to use earned sick leave, subject to Department Director approval. The amount of sick leave that may be used is defined in Section 6.7 (D)(3).

#### **6.14 MILITARY LEAVE**

**10/01/2025**

An employee engaged in federally funded military duty, including training duty, or called forth by the Governor pursuant to Virginia law, shall be entitled to military leave and shall have their job status protected in full compliance with federal and state requirements. Such employee, other than those in Firefighter positions, shall be entitled to 21 workdays (168 work hours) of military leave with pay per federal fiscal year. Those employed as a firefighter shall receive 388 work hours of military leave with pay. Military leave pay balances shall be refreshed annually with the beginning of each federal fiscal year (October 1).

An eligible employee may be placed on military leave without pay once military leave with pay is exhausted. While on military leave without pay, employees continue to accrue sick and vacation leave and retain all earned paid leave balances. Administration of military leave is specified in HR Procedures Memorandum #16.

#### **6.15 COURT LEAVE/JURY DUTY**

**10/01/2025**

In order to provide income protection while an employee carries out their civic responsibilities, the City will provide the employee's regular pay for time spent serving on jury duty. The employee shall be responsible for providing documentation regarding their obligation for jury duty from the court system. The requirements for court leave/jury duty are specified below:

- A. Both regular full-time and regular part-time employees are eligible for court leave.
- B. Upon receipt of notification from the court system of an obligation to serve on a jury or to act as a court witness, the employee shall notify their supervisor. The employee is required to provide copies of the subpoena or jury summons to their supervisor.
- C. The supervisor shall verify the notification and make scheduling arrangements in order to accommodate the employee's obligation. The supervisor will provide the court documentation copy for departmental payroll purposes.
- D. Employees appearing as a plaintiff, defendant, or for non-subpoenaed court appearance shall not receive court leave. Vacation leave, compensatory leave, or unpaid leave should be used in these instances.
- E. Compensation for court leave hours shall be at the employee's regular rate of pay for the hours the employee was scheduled to work.
- F. An employee summoned by a court for the purpose of qualifying for jury duty is entitled to court leave for the actual period of absence, whether or not he/she is selected to serve. When an employee is released from court service for the day, the employee shall contact his/her supervisor concerning return to work for that day. Any employee failing to contact their supervisor risks the loss of pay for that day.

#### **6.16 CIVIL LEAVE/DISASTER RELIEF**

**07/01/2007**

- A. During a state of emergency or disaster declared by the Governor, as directed by the Virginia Department of Emergency Management, or a declaration by Harrisonburg City Council resulting from a natural disaster, health epidemic or terrorist attack, essential personnel that work in excess of forty (40) hours during the normal workweek (as defined in this policy manual) or are called in to work when other non-essential employees are not required to work, will be compensated in the following manner:
  - 1. Non-exempt employees will be paid at the rate of one and one half (1.5) times the hours worked in excess of forty (40) hours during the workweek.
  - 2. Exempt employees called in or working in excess of forty (40) hours during the workweek will be provided compensatory leave at a rate of one hour for each hour worked in excess of forty (40) hours.
- B. Requests for use of Civil Leave to assist with emergency operations, requests for assistance from other agencies or localities, etc., will be handled on a case-by-case basis. The City

acknowledges the fact that many talented employees work for the City and their expertise may be requested to aid the services of those in need. Generally, approved Civil Leave shall not exceed forty (40) hours in any fiscal year. Civil Leave requests must receive the approval of the Department Director and the City Manager. Requests for Civil Leave may be made using the City's Leave Request form (form is located on the City's intranet under Human Resources), and the employee shall attach supporting documentation to support the request.