

**FAIRFAX COUNTY SHERIFF'S OFFICE  
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 025  
SUBJECT: LEAVE**

**I. PURPOSE**

To ensure equitable treatment of employees and to provide uniformity in matters of attendance, leave, and duty exchanges.

**II. POLICY**

It is the policy of the Fairfax County Sheriff's Office that a variety of leave options are available to employees providing the criteria for the type of leave has been met and, when applicable, insofar as it is practical and consistent with the efficiency of the Sheriff's Office.

**III. PROCEDURE**

**A. Annual Leave**

1. Supervisors shall grant annual leave with pay to regular employees in accordance with the following provisions:
  - a. Annual leave shall normally be granted each calendar year unless the Sheriff specifically defers an employee's vacation because of work requirements.
  - b. Annual leave shall not exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs.
  - c. The time at which vacation may be taken is subject to prior approval of the supervisor. Leave will be approved on the basis of individual preference and chronological submission after operational requirements have been fulfilled.
  - d. All merit employees are encouraged to take annual leave for vacation purposes of two consecutive weeks each year. During the year, careful consideration shall be given to the desire and needs of employees in the granting of shorter periods of annual leave. Department heads or designees shall grant leave in accordance with these rules on the basis of the work requirements in the department, and whenever possible, the personal wishes of the employee.
  - e. Leave in excess of 2 weeks must be approved by the employee's Division Commander.

**B. Sick Leave**

1. Sick leave shall be used when an employee is incapacitated by sickness or injury; for childbirth, placement of a child for adoption or foster care; for medical, dental, or optical diagnosis or treatment; for necessary care and attendance or death of a member of the employee's immediate family or household member, as defined in [Chapter 2 of the Fairfax County Personnel Regulations](#); exposure to a contagious disease when the attendance at duty jeopardizes the health of others. Sick leave for childbirth and adoption/foster care placement shall comply with the provisions in Section 10.22 of the Fairfax County Personnel Regulations.

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2. Supervisors shall grant sick leave with pay to merit employees in accordance with the following provisions:
    - a. Ordinary sick leave shall not exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs.
    - b. Leave without pay may be granted for sickness extending beyond earned sick leave credits.
    - c. Merit employees may use annual leave credits or compensatory time for sick leave when sick leave credits have been exhausted.
    - d. Employees who are sick while on annual leave may have the time they were ill converted to sick leave by providing a medical certificate which shows the dates of the illness.
  3. Employees who are absent from duty for reasons which entitle them to sick leave shall notify their supervisor at least one hour before they are scheduled to report for duty unless physically unable to do so. If their supervisor is not available, employees assigned to the ADC will notify an on-duty Confinement Supervisor. Employees assigned to the Court Services Division will notify the Facilities Security Section, and employees assigned to the Pre-Release Center will notify the Residential Supervisor on duty.
  4. Supervisors may require a medical statement for sick leave when it occurs before or after a holiday or other scheduled day off, or when it is in excess of two work days. When an employee has a record of repetitious use of short amounts of sick leave over an extended period, the supervisor may require a medical certificate for each day of sick leave taken. Employees shall be provided advance notice that a medical certificate will be required for future absences.
  5. Supervisors may investigate the alleged illness of an employee absent on sick leave.
  6. False or fraudulent use of sick leave shall be cause for disciplinary action against the offending employee. Such disciplinary action may include dismissal.
  7. The Sheriff may require an employee returning from sick leave to take a medical examination, or, with the concurrence of the Human Resources Director, on such other occasions that he/she deems it in the best interest of the County.
- C. Advance Sick Leave
1. Pursuant to the County of Fairfax, Virginia-Personnel Regulations advance sick leave, not to exceed 192 hours, may be granted to merit employees qualified to earn ordinary sick leave in cases of serious disability/ailments to the employee, the spouse of an employee, a disabled child/minor of an employee, and a parent or parent-in-law of an employee when it is to the advantage of the County to do so.

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2. When the Sheriff or her designee believes that a request for advance sick leave is justified, a personnel action form ([Attachment 2 - Request for Advance Sick Leave](#)) shall be prepared with the following supporting documentation and forwarded to the Fairfax County Human Resources Director for approval by the County Executive:
  - a. The circumstances and the need for such leave verified by a physician's statement;
  - b. The time and date when accrued sick leave will be exhausted;
  - c. The number of hours of sick leave requested and date to which such leave will extend;
  - d. Probable return to duty and prospect for continued employment;
  - e. Recommendation of the Sheriff or her designee;
  - f. Statement notifying employee of the repayment requirement if advance sick leave is approved ([Attachment 3 - Advance Sick Leave Statement of Understanding](#)).
3. Please refer to [Chapter 10 – Leave](#), Section 10.15 – Granting Advance Sick Leave, of the County of Fairfax, Virginia Personnel Regulations for more information concerning advance sick leave.

**D. Military Leave**

1. Supervisors shall grant military leave with pay to employees in accordance with Section 10.29 of the Fairfax County Personnel Regulations and the following provisions:
  - a. Leave of absence with pay will not exceed 21 workdays per federal fiscal year (October 1 - September 30).
  - b. Any other time taken for military service or training will be taken as military leave without pay. Use of annual or compensatory leave in lieu of military leave without pay is at the discretion of the employee.
  - c. Employees will notify their supervisor of their intent to take military leave as soon as the dates are confirmed. A copy of the employee's military orders should be given to the supervisor as they become available.
  - d. When the dates of an employee's military leave are optional, the time period shall be designated by the employee's Division Commander or designee in consideration of the employee's workload situation.

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**E. Family & Medical Leave (FMLA) / Military Family and Medical Leave (MFML)**

**1. Policy**

- a. The Fairfax County Sheriff's Office administers the family and medical leave (FML) policy and military family and medical leave (MFML) policy in accordance with Chapter 10 of the Fairfax County Personnel Regulations and Fairfax County Procedural Memorandum No. [43A \(FMLA\)](#) and [43B \(MFML\)](#).
- b. In the event of any conflict between agency or county policy and the applicable law, employees will be afforded all rights required by law.
- c. Notwithstanding the provisions in Chapter 10 of the Fairfax County Personnel Regulations and Fairfax County Procedural Memorandum No. [43A \(FMLA\)](#) and [43B \(MFML\)](#) the agency institutes specific administrative guidelines pertaining to FML/MFML.

- 1) In the event that an employee requests FML/MFML leave, has a period of incapacitation for more than 3 consecutive calendar days, or the supervisor becomes aware that the absence may qualify for FML/MFML, the supervisor should contact the agency FML Administrator or designee to initiate the Family & Medical Leave Checklist ([Attachment 1 – Family and Medical Leave Checklist](#)) to determine employee eligibility, within 5 business days of the request or absence.
- 2) Notice of Eligibility, Rights & Responsibilities (Form WH-381). It is the responsibility of the agency FML Administrator or designee to prepare Form WH-381 and submit it to the employee, within 5 business days of the request or absence. The agency FML Administrator or designee should provide the employee with a detailed explanation of form contents.

In instances where the employee is taking a qualifying absence for 10 or more consecutive work days, the agency FML Administrator or designee may require the employee to furnish periodic reports of their status and intent to work, as designated by the agency FML Administrator or designee on Form WH-381 (generally once every 14 calendar days).

- 3) Certification of Health Care Provider for Employee's Serious Health Condition (Form WH-380-E). If the leave request or absence is for employee's serious health condition, it is the responsibility of the agency FML Administrator or designee to prepare Section I of Form WH-380-E (include the employee position description) and Form WH-381. Submit the forms to the employee, within 5 business days of the request or absence. The agency FML Administrator or designee should provide the employee with a detailed explanation of form contents.

The Certification of Health Care Provider (Form WH-380-E) is returned by the employee or health care practitioner directly to

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the agency FML Administrator in at least 15 calendar days from date of Notice of Eligibility (Form WH-381).

- 4) Certification of Health Care Provider for Family Member's Serious Health Condition (Form WH-380-F). If the leave request or absence is for a family member's serious health condition, it is the responsibility of the agency FML administrator or designee to prepare Section I of Form WH-380-F and Form WH-381. Submit the forms to the employee, within 5 business days of the request or absence. The agency FML Administrator or designee should provide the employee with a detailed explanation of form contents.

The Certification of Health Care Provider for Family Member's Serious Health Condition (Form WH-380-E) is returned by the employee or health care practitioner directly to the agency FML Administrator in at least 15 calendar days from date of Notice of Eligibility (Form WH-381).

- 5) Adult Child FMLA Eligibility (County Form). If the leave request or absence is to care for an adult child that has a disability as defined by ADA, it is the responsibility of the agency FML Administrator or designee to prepare Section I of Form WH-380F, the Adult Child FMLA Healthcare Provider Letter, the Adult Child FMLA Eligibility Form and Form WH-381. Submit the forms to the employee, within 5 business days of the request or absence. The agency FML Administrator or designee should provide the employee with a detailed explanation of form contents.

The Adult Child FMLA Eligibility Form and Form WH-380F is returned by the employee or health care practitioner directly to the agency FML Administrator in at least 15 calendar days from date of Notice of Eligibility (Form WH-381).

- 6) Certification of Qualifying Exigency (Form WH-384). If the leave request or absence is related to a qualifying exigency, it is the responsibility of the agency FML Administrator or designee to prepare Section I of Form WH-384 and Form WH-381. Submit the forms to the employee, within 5 business days of the request or absence. The agency FML Administrator or designee should provide the employee with a detailed explanation of form contents.

The Certification of Qualifying Exigency (Form WH-384) is returned by the employee or health care practitioner directly to the agency FML Administrator in at least 15 calendar days from date of Notice of Eligibility (Form WH-381).

- 7) Certification for Serious Injury or Illness of a Current Service member (Form WH-385). If the leave request or absence is related to serious injury or illness of a current service member for military family leave, it is the responsibility of the agency FML Administrator or designee to prepare Section I of Form WH-385

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and Form WH-381. Submit the forms to the employee, within 5 business days of the request or absence. The agency FML Administrator or designee should provide the employee with a detailed explanation of form contents.

Form WH-385 is returned by the employee or health care practitioner directly to the agency FML Administrator in at least 15 calendar days from date of Notice of Eligibility (Form WH-381).

8) Certification for Serious Injury or Illness of a Veteran

(Form WH-385-V). If the leave request or absence is related to serious injury or illness of a veteran, it is the responsibility of the agency FML Administrator or designee to prepare Form WH-381 and Form WH-385-V. Submit the forms to the employee, within 5 business days of the request or absence. The agency FML Administrator or designee should provide the employee with a detailed explanation of form contents.

Form WH-385-V is returned by the employee or health care practitioner directly to the agency FML Administrator in at least 15 calendar days from date of Notice of Eligibility (Form WH-381).

9) Designation Notice (Form WH-382). It is the responsibility of the agency FML Administrator or designee to perform the designation for all FML/MFML related events. The agency FML Administrator or designee will prepare Form WH-382 and submit it to the employee, within 5 business days of receipt of completed certification form(s). The agency FML Administrator should provide the employee with a detailed explanation of form contents.

The agency FML Administrator or designee will prepare the Family and Medical Leave Certification Information Data Sheet and send it to the supervisor, within 5 business days of receipt of completed certification form(s).

10) Fitness-for-duty requirements must be conveyed in writing as part of the designation notice to employees. A fitness-for-duty can be requested at the end of continuous leave or every 30 days (or longer interval) during an intermittent or reduced schedule leave if reasonable safety concerns exist (nature of the duties performed by the employee could cause harm to self or others). The content of the notice shall include an assessment or statement from the health care provider that the employee is able to perform all essential duties (based on the job description) and if there are any restrictions and the duration of those restrictions. Employees will be notified of incomplete certifications in writing, by the agency FML Administrator, and will be given 7 calendar days to cure deficiencies.

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- 11) It is the responsibility of the supervisor to ensure that employee time and attendance is recorded in FOCUS for the duration of any FML/MFML qualifying event, in accordance with Fairfax County Procedural Memorandum No. 43A (FMLA) and/or 43B (MFML).
- 12) It is the responsibility of the agency FML Administrator or designee to create and maintain FML Workbench records for FML/MFML and track the amount of FML/MFML leave used within the twelve-month period.
- 13) It is the responsibility of the agency FML Administrator to notify the employee in writing that the entitlement period for the FML event is near expiration, by copy to the supervisor, no later than 2 weeks prior to the expiration of the FML entitlement period.
- 14) To ensure confidentiality of employee medical information, medical certifications are to be retained by the Department of Human Resources FML Administrator only. It is the responsibility of the supervisor to forward any/all medical certifications and related documentation to the agency FML Administrator.
- 15) In cases of workplace injury or illness, the agency FML Administrator will coordinate the exchange of information as necessary to ensure compliance with the Family and Medical Leave policy.

**F. Paid Family Leave (PFL)**

1. Merit employees, including those in their initial probationary period, are eligible for paid family leave (PFL). Merit employees in their initial probationary period become eligible for paid family leave on the first day of the month following the employee's date of original appointment. Non-Merit employees are also eligible for PFL.
2. Merit employees with a birth event, serious medical condition, or who is needed to care for an eligible family member with a serious health condition may request up to 6 weeks of paid family leave (PFL) within a 12-month period as defined by the Family Medical Leave Act (FMLA) of 1993 and as pursuant to [Chapter 10 of the Fairfax County Personnel Regulations](#). Paid family leave shall only be available for the qualifying absences that would be covered under the Family Medical Leave Act.
3. Full-time merit employees may be eligible to take up to a total of 240 hours of paid family leave (360 hours for 24-hour staff) in a twelve-month period. Merit employees scheduled to work less than 80 hours per pay period may be eligible for paid family leave pro-rated based on scheduled work hours per pay period in a twelve-month period.
4. Paid family leave shall run concurrently with family and medical leave to the extent that family and medical leave is available to the employee.

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5. For other than birth or placements for adoption/foster care events, the twelve-month period for paid family leave shall commence with the first use of paid family leave. For birth or placements for adoption/foster care events, the twelve-month period for paid family leave shall commence with the date of such birth or placement.
6. Unused paid family leave hours do not carry over to another 12-month period.
7. Requests for paid family leave must be made in writing and submitted 30 calendar days in advance whenever the necessity for such leave is foreseeable.
8. Eligible employees are entitled to a total of up to 6 weeks paid family leave in a single twelve-month period.
9. Paid family leave can be taken on an intermittent (periodic) or consecutive (continuous) basis when certified as medically necessary by a healthcare provider. A request to use paid family leave on an intermittent basis which is not medically necessary (i.e., bonding time with a baby) must be coordinated and approved at the discretion of the department based on staffing and operational needs.
10. At the request of the department head or designee, the employee shall provide certification from a health care provider in connection with a request for paid family leave.
11. Employees who are eligible for sick leave under pursuant to [Chapter 10 of the Fairfax County Personnel Regulations](#) may utilize sick leave prior to using paid family leave.
12. Employees must exhaust paid family leave prior to using leave without pay, donated leave, advanced sick leave, or extraordinary sick leave.
13. Employees who leave County service while on paid family leave are not entitled to be paid for any unused portion of paid family leave.
14. Employees who do not plan to return to work should notify their department no later than at the expiration of the paid family leave. Failure to return to work without giving notice at the expiration of the leave without good cause may result in an unsatisfactory service separation.

**G. Bereavement Leave**

1. Bereavement leave may be used to cover an absence resulting from the death of an employee's extended family or household member, as defined in Chapter 2 of the Fairfax County Personnel Regulations.
2. Bereavement leave shall be granted with pay to merit employees in accordance with the following provisions:
  - a. Full-time merit employees shall be eligible to use up to 16 hours of bereavement leave per calendar year. Merit employees scheduled to work less than 80 hours per pay period shall be eligible for bereavement leave on a pro-rated basis.



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- b. Bereavement leave may not be carried over from one calendar year to the next.
- c. The amount of bereavement leave to be debited shall be computed on the basis of the exact number of hours an employee is scheduled to work in the period when leave is taken.
- d. Bereavement leave shall be debited in no less than one-tenth hour units.
- e. Sick leave may be granted for absences extending beyond bereavement leave eligibility in accordance with the sick leave provisions.

**H. Civil Leave**

- 1. A merit employee shall be given time off without loss of pay when performing jury duty, when subpoenaed or requested to appear before a court, public body, or commission except when the employee is a party to the suit, when performing emergency civilian duty in connection with national defense, or for the purpose of voting. Leave for the purpose of voting shall only be granted when the employee's work schedule prohibits voting before or after duty hours or through absentee voting.

**I. Volunteer Activity Leave**

- 1. Volunteer activity leave may be used to participate in volunteer activities and initiatives to support the neighborhoods in which employees live and work to include educational and charitable institutions, religious/faith-based and community service entities.
- 2. Volunteer activity leave shall be granted with pay to merit employees in accordance with the following provisions:
  - a. Full-time merit employees shall be eligible to use up to 16 hours of volunteer activity leave per calendar year. Merit employees scheduled to work less than 80 hours per pay period shall be eligible for volunteer activity leave on a pro-rated basis.
  - b. Volunteer activity leave may not be carried over from one calendar year to the next.
  - c. The amount of volunteer activity leave to be debited shall be computed on the basis of the exact number of hours an employee is scheduled to work in the period the leave is taken.
  - d. Volunteer activity leave shall be debited in no less than one-tenth hour units.

**J. Leave Without Pay**

A merit employee may be granted a leave without pay for a period not to exceed one year, subject to the following conditions:

- 1. Leave without pay shall be granted only when it is in the interests of the County to do so. The interests of the employee shall be considered when he/she has

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shown by his/her record to be of more than average value to the County and when it is desirable to return the employee even at some sacrifice.

2. At the expiration of a leave without pay, the employee shall be reinstated in the position he/she vacated or in any other vacant position in the same class.
3. The employee does not earn leave while on leave without pay.
4. Failure on the part of the employee to report promptly at the expiration of a leave without pay shall be cause for dismissal.

**K. Leave of Absence**

1. A leave of absence may be granted to a merit employee for a period generally not to exceed one year. A leave of absence greater than one year will be considered on a case-by-case basis. A leave of absence will be granted only when it is in the best interest of the agency to do so.
2. Individuals who are requesting a leave of absence should submit their request in writing at least 30 days prior to the leave of absence start date. The request should state the reason for the leave of absence along with the length of time requested. All requests should be submitted through an employee's chain of command to the Sheriff for final approval.
3. Documentation supporting approved leave of absence requests should be forwarded directly to the Personnel Section Supervisor.
4. At the expiration of the approved leave of absence, the employee shall be reinstated in the position he/she vacated or in any other vacant position in the same class.

**L. Unauthorized Absence**

1. An employee who is absent from duty without approval shall:
  - a. Receive no pay for the duration of the absence;
  - b. Be subject to disciplinary action, which may include dismissal.
2. It is recognized that there may be extenuating circumstances for unauthorized absence, and due consideration shall be given for each case.
3. Failure of an employee to report for work at the expiration of an authorized leave or to request an extension of such leave shall be considered an absence without leave.
4. Absence without leave is considered unauthorized absence.

**M. Debiting Annual, Sick Leave and Military Leave**

1. Annual/Sick leave shall be debited as follows:

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- a. The amount of annual/sick leave to be debited shall be computed on the basis of the exact number of days or hours an employee is scheduled to work in the period when leave is taken.
  - b. Annual/sick leave shall be debited in no less than one tenth hour units.
  - c. Annual/sick leave will be debited and recorded through FOCUS (Fairfax County's time and attendance recordation system). Each employee is solely responsible for maintaining their leave balances and taking only the amount of leave permitted by those balances.
- 2. Military leave shall be debited as follows:
  - a. The amount of military leave to be debited shall be computed on the basis of the exact number of days an employee is scheduled to work in the period when military leave is taken.
  - b. Military leave shall be debited in no less than one day units.
  - c. Military leave will be debited and recorded through FOCUS. A copy of the employee's military orders will be submitted to the employee's supervisor for administrative purposes.
- N. Transfer of Leave
  - 1. Annual/sick leave may be transferred among employees so that employees whose sick leave balances have been exhausted due to extended illness or other sick leave related causes can continue to receive income. Annual leave may be transferred to a member of the National Guard or Military Reserve who has volunteered or been ordered to active duty pursuant to an order of the President of the United States or a competent state authority. Further information can be obtained from the Personnel Section.
- O. Education Leave
  - 1. All County merit employees may be granted a leave of absence with full or partial pay for enrollment in a special institute or course of study of direct benefit to the County service at the discretion of the agency head.
  - 2. The employee will be granted Education Leave at the discretion of the Sheriff, provided the course of study has a direct benefit to the service of the Sheriff's Office or Fairfax County Government.
  - 3. Education leave will be granted to employees in accordance with the following provisions:
    - a. Employees will notify their supervisor in writing of their intention to pursue higher education.
    - b. Employees will be required to provide a copy of their course schedule to their supervisor reflecting the dates and times the employee is scheduled to appear in class.

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- c. The supervisor will review the work schedule to determine the impact the employee's class schedule will have on the staffing level of the workplace.
    - d. Upon review of the schedule, the supervisor and employee will meet and discuss conditions that may interfere with the employee's class schedule:
      - 1) Staffing shortages
      - 2) Emergencies (fire, riot, suicide, etc.)
      - 3) Inclement weather
    - e. Supervisors will make every effort to accommodate the employee's request to pursue higher education with the understanding staffing levels have first priority.
    - f. Online classes are not eligible for education leave unless the employee is required to appear in person or online at a specified date and time.
    - g. Merit employees are granted 10 hours of education leave per calendar month, but only when overtime is not required to replace them. Any leave for educational purposes in excess of 10 hours will be granted as annual or compensatory. Leave will be granted or denied based on operational necessity.
  - 4. If multiple employees from the same shift are pursuing higher education simultaneously, it may be necessary to move employees to another shift or another work schedule to reduce any impact on staffing levels.
  - 5. All higher education must be pursued through an accredited college or university.
  - 6. Upon completion of course work, it is the responsibility of the employee to notify his/her supervisor.
  - 7. Employees will be required to notify their supervisor in writing each semester that they intend to continue their course work.
- P. Administrative Leave
- 1. Administrative leave will normally be granted to any full-time or part-time employee by the Sheriff or designee.
  - 2. FOCUS recognizes four types of Administrative Leave uses that include:
    - a. Admin Leave – Medical Donor L200.  
  
Blood donor- Up to four hours may be granted.
    - b. Admin Leave – Org Activity L201.
      - 1) Attendance of conventions and training by officers of the Employees Advisory Council and employee organizations. Shall not exceed 240 hours per year.

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- c. Admin Leave – General L204
  - 1) Length of Service and other county awards.
- d. Admin Leave – Invest/Disciplinary L203

Employees involved in incidents that result in death or serious injury may be placed on administrative leave during the investigation.

**Q. Duty Exchanges**

- 1. Employees requesting a duty exchange will be required to complete a Duty Exchange Form ([SOP 025 – Attachment 4](#)) and have it approved by their supervisor. The concurring employee's supervisors must also sign the form indicating their approval.
- 2. All duty exchanges must adhere to the following criteria:
  - a. Time and attendance records must indicate the exact day(s) and hours the employee actually worked.
  - b. The shift report will show (D/E) for employees working the exchange.
  - c. Duty exchanges must be performed within the same pay period.
  - d. No more than three days per pay period may be exchanged.

**P. Miscellaneous**

All leave-related forms are available on the SHFNET and/or PowerDMS.



**STACEY A. KINCAID  
SHERIFF**

**12/01/2005  
APPROVED DATE**

**07/02/2024  
EFFECTIVE DATE**

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