



2200 – Wake County Leave Policy

x	Countywide	Department: Human Resources	Division: Benefits and Wellness
Supersedes: 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512			Effective Date: May 8, 2024
Approving Authority: County Manager or designee			
Originating Department(s): Human Resources			

I. Purpose

Wake County understands the importance of a work-life balance and the importance of supporting an employee's health and well-being. Therefore, **the County** provides paid and unpaid leave to **benefit eligible employees**. Such leave includes annual leave, sick leave, holiday leave, community involvement leave, military leave, and others which are outlined in this policy.

II. Policy

The sections below outline the policy for all leave types, both paid and unpaid, provided by Wake County Government. For applicable leave types, any leave request that exceeds thirty (30) consecutive days must be reviewed and approved by the employee's Department Head, Human Resources, and the County Manager's Office.

For remote employees who reside and work outside of the state of North Carolina, the County will comply, when required, with the leave laws of the state in which the remote employee resides and works.

2201 Annual Leave

The County provides paid annual leave to benefit eligible employees. Annual leave is provided to support employees in managing their personal and professional life as well as maintaining a competitive position for recruitment and retention. Annual leave may be used for personal reasons such as vacations and personal appointments.

A. Annual Leave Earnings

Full-time benefit eligible employees scheduled to work 2080 hours per year (traditionally 40 hours/week) earn annual leave as shown below:

<i>Years of Current and Reinstated Service</i>	<i>Minutes Earned Each Year</i>	<i>Hours Earned Each Year</i>	<i>Days Earned Each Year</i>
<i>Less than 5 years</i>	6720	112	14
<i>5 but less than 10 years</i>	8160	136	17
<i>10 but less than 15 years</i>	9600	160	20
<i>15 but less than 20 years</i>	11040	184	23
<i>20 years or more</i>	12480	208	26

*The chart above is used to illustrate the total annual leave hours and days for an employee who worked 12 months under the same annual work hours schedule. Review the policy for more information on accrual frequency and rate determinations.

Full-time benefit eligible employees with annual hours other than 2080 will accrue annual leave in proportion to their annual schedules.

A part-time regular, probationary, or trainee employee hired on or after 9/16/1993 who has a full-time equivalency (FTE) of .50 or greater, earns annual leave on a pro rata basis. The prorated amount is in direct proportion to the employee's annual scheduled hours.

The annual accrual rate for all benefit eligible employees is based on the length of current and/or reinstated service with Wake County. An employee who has been:

- **reinstated** within one year after separation will earn annual leave based on the total years of service, including service prior to reinstatement.
- **rehired** will earn annual leave based on the most recent hire date into the benefit eligible position.

Wake County does not accept transfers of annual leave. Any annual leave must be accumulated while employed in a benefits eligible position with the County.

B. Accumulation of Leave

Annual leave is accrued on a semi-monthly basis, according to the employee's annual scheduled work hours at the time of the accrual. Employees whose annual work hours change because of a position change, schedule change, etc. will maintain their balance of annual hours earned under the rate at the time in which the hours were accrued.

Prospective accruals will be based on the new annual work hours, as of the effective date of the schedule change.

A benefits eligible employee must be **in pay status** for the current pay period to earn annual leave for that pay period. A benefits eligible employee in a leave without pay

status for the pay period will not be eligible to accrue annual leave in that pay period. A benefits eligible employee will earn annual leave for the pay period in which they separate employment, only if the employee works or is in pay status during the final pay period.

C. Qualifying Reasons to Use Annual Leave

Annual leave may be used for personal reasons such as vacations, personal appointments, or other personal reasons.

D. Request for Annual Leave

Requests to use annual leave shall be submitted to the employee's supervisor with as much notice as feasible. An employee may request annual leave through Employee Self Service or by following the standard practice used by his or her department.

The timing and amount of annual leave taken for any employee is subject to advance approval by the supervisor. Approval will be based on the request and operating requirements of the department. Supervisors are responsible for ensuring that approved annual leave does not hinder the effectiveness of service delivery.

If an employee requests annual leave that exceeds their current balance, the employee must use leave without pay for any approved time that exceeds their annual leave balance.

Such leave may also be restricted, denied, changed, or cancelled based on non-availability of leave, leave requests that exceed the annual leave balance, undue hardship, etc.

E. Use of Annual Leave

Annual Leave, when approved, must be taken in five (5) minute increments. When an employee uses annual leave, the most recently accrued annual leave will be used first. Annual leave must be exhausted before leave without pay may be used.

Unless otherwise approved by the Department Head in conjunction with the Chief Human Resources Officer, the employee's last day physically worked will be considered the employee's last day of employment. An employee may not use annual leave on their last day of employment or to extend employment with the County, except at retirement or as approved.

****** If an employee is approved for Family Medical Leave (FMLA) and using annual leave concurrent to FMLA, the employee must notify their supervisor and the **Leave Administrator** (Aflac at 1-800-206-8845 or submit his or her absence online at <https://mygrouplifedisability.aflac.com>) in compliance with the FMLA policy. If an employee is approved for a leave of absence and using annual leave concurrently, the employee must ensure compliance with this policy and the leave of absence policy.

See 2205 – Family Medical Leave Act Policy for additional guidance.

F. Restoration of Leave

Annual leave may be restored to employees who lost leave because of an exigency of public business, administrative error, or illness or injury. The conditions for restoration of leave are for an:

- Administrative error: The error causing the loss must be a result of incorrect computation of leave over which the employee has no control.
- Illness or injury: Illness or injury prevents the use of scheduled leave and conditions do not allow rescheduling.
- Exigency of public business: An administrative or operational demand by a Department Head or the County Manager causes the use of scheduled leave to be denied and conditions do not allow its rescheduling.

Human Resources shall review all leave restoration requests.

G. Maximum Accumulated Annual Leave

Annual leave may be accumulated without any applicable maximum until January 15th of each calendar year. The maximum accumulated leave for a full-time employee is 240 hours of annual leave; the maximum is prorated for part-time employees.

In the pay cycle ending on or before January 15th, any accrued annual leave in excess of the maximum will be converted to sick leave. Once converted, this leave is considered sick leave and may be used in the same manner as accrued sick leave.

H. Payment Upon Separation

Upon separation from service or transfer from a benefits eligible position, an employee will be paid a lump sum for any accumulated annual leave, up to the applicable maximum. Annual leave shall be paid out at the hourly rate at the time of separation. An employee who, without good cause, fails to give two (2) weeks' written notice of resignation will forfeit their annual leave payment, unless otherwise approved by the Department Head. An employee who owes money to the County or fails to return property to the County may also have funds withheld from the annual leave payout.

Upon retirement, any annual leave up to the applicable maximum will be paid out. Any annual leave in excess of the maximum will be rolled into sick leave and may be used for credible years of service.

In the event of a current employee death, the payment of accumulated annual leave for the current employee shall be paid to "The Estate of." The payout will include all accumulated annual leave, not to exceed the applicable maximum.

2202 Sick Leave

Wake County recognizes that an employee may be unable to work due to a personal illness or injury, the illness or injury of a **family member** or the death of a family member, upon exhaustion of bereavement leave. The County allows benefit eligible employees to use paid sick leave, as outlined in this policy.

Sick leave is a privilege granted by the County, unlike annual leave which is a benefit earned by the employee and is therefore more restrictive than the use of annual leave. The following policy applies to sick leave not covered under the **Family Medical Leave Act**.

A. Amount of Sick Leave

Full-time benefit eligible employees, which includes regular, probationary, and trainee employees, scheduled to work 2080 hours per year (traditionally 40 hours/week) will receive 12 days (96 hours) of sick leave per year.

Effective December 1, 2023, and visible with the December 29, 2023 paycheck, benefit eligible employees will accrue additional sick leave based on total years of service in a Wake County benefit eligible position, as follows:

- Upon achieving 5 years of service, a benefit eligible employee will accrue 60 days of additional sick leave over the next 12 consecutive months.
- Upon achieving 10 years of service, a benefit eligible employee will accrue 60 days of additional sick leave over the next 12 consecutive months.
- Upon achieving 15 years of service, a benefit eligible employee will accrue 60 days of additional sick leave over the next 12 consecutive months.
- Upon achieving 20 years of service, a benefit eligible employee will accrue 60 days of additional sick leave over for the next 12 consecutive months.
- For the implementation year of 2023 only:
 - A benefit eligible employee who has achieved their milestone of 5, 10, or 15 years of service in 2023, will accrue 60 days of additional sick leave over for the next 12 consecutive months, effective December 1, 2023.
 - A benefit eligible employee who has completed 20 or more years of service in 2023 will accrue 120 days of additional sick leave over the next 12 consecutive months, effective December 1, 2023.
 - See [Appendix 2200-J: Additional Sick Leave FAQs](#) for additional information.

Full-time benefit eligible employees with annual hours other than 2080 will accrue sick leave in proportion to their annual schedules.

A part-time regular, probationary, or trainee employee hired on or after 9/16/93, who has a full-time equivalency (FTE) of .50 or greater, receives sick leave and additional sick leave on a pro rata basis. The prorated amount is in direct proportion to their annual scheduled hours.

B. Accumulation of Sick Leave

Sick leave is accrued on a per pay period basis, according to the employee's annual scheduled work hours at the time of the accrual. Employees whose annual work hours change as a result of a position change, schedule change, etc. will maintain their balance of sick hours earned under the rate at the time in which the hours were accrued. Prospective accruals will be based on the new annual work hours, as of the effective date of the schedule change.

To accrue sick leave, the benefits eligible employee, regardless of regular, probationary or trainee status, must be in pay status during the pay period in which the sick leave is accrued. An employee in a leave without pay status will not be eligible to accrue sick in that pay period.

A benefits eligible employee will earn sick leave for the pay period in which the employee separates employment, only if the employee works or is in pay status during that final pay period.

C. Qualifying Reasons for Sick Leave

Sick leave may be used for an illness, disability, contagious disease, medical appointment, or another similar reason of an employee. Sick leave may be used to care for an employee's family member, to tend to an ailing family member, or for the death of a family member once bereavement leave has been exhausted. Such leave, which does not qualify under the Family Medical Leave Act, may however be restricted to ensure continued County operations.

D. Request for Sick Leave

Notification of the need to take sick leave should be submitted to the employee's supervisor prior to use of the leave, if possible. An employee should provide as much advance notice as possible to allow the supervisor sufficient time to consider the County's operational and service needs and arrange for coverage during the employee's absence. The timing and amount of sick leave, which is not covered by the FMLA, will be subject to approval of an authorized supervisor.

An employee should provide as much notice as possible of the need to use sick leave, but no later than the start of the workday. When plausible and foreseeable, a thirty (30) day notice is preferred.

E. Use of Approved Sick Leave

Sick leave must be taken in five (5) minute increments. When an employee uses sick leave, the most recently accrued sick leave will be used first. An employee may **not** use more sick leave than what has accumulated. When applicable, sick leave must be

exhausted prior to using leave without pay. If an employee exhausts sick leave and has unused holiday, emergency and/or annual leave balances, the employee must exhaust those leave balances prior to using leave without pay for a sick leave reason.

Unless approved by the Department Head in conjunction with the Chief Human Resources Officer, the employee's last day physically worked will be considered the employee's last day of employment. A benefit eligible employee may not use sick leave on their last day of employment or to extend employment with the County, except at retirement or as approved.

****** If an employee is approved for FMLA and using sick leave concurrent to FMLA, the employee must notify their supervisor and the **Leave Administrator** (Aflac at 1-800-206-8845 or submit his or her absence online at <https://mygrouplifedisability.aflac.com>) in compliance with the FMLA policy. If an employee is approved for a leave of absence and using sick leave concurrently, the employee must ensure compliance with this policy and the leave of absence policy.

See 2205 – Family Medical Leave Act Policy for additional guidance.

F. Documentation of the Need for Leave

Employees may be required to furnish a certificate from a physician stating the type and nature of the sickness or injury or that the employee or family member has been incapacitated for the period of absence. Circumstances in which a certificate would typically be required are:

- absence from work for a period of three days or more;
- patterns of leave use which may indicate abuse of leave privileges;
- conditions which cause reasonable doubts about the employee's capacity to perform the required duties of their position; and
- absence from work because of a contagious disease.

If a supervisor has reason to believe an employee may be abusing sick leave, the employee may be required to provide a medical note for each subsequent sick leave absence. If a medical note is required, the employee will have two days after returning to work to provide the documentation. Failure to comply may be grounds for denying sick leave and for charging the employee with other unused leave in accordance with County policy. Requesting sick leave for purposes other than outlined in this policy is inappropriate and shall be cause for disciplinary action.

If an employee is returning from sick leave for their own illness or injury, the supervisor may ask for a medical note certifying that the employee is physically able to perform the assigned duties prior to returning to work. The employee must notify their supervisor of restrictions and/or accommodations.

G. Maximum Accumulated Sick Leave

Additional sick leave earned based on years of service in a Wake County benefit

eligible position may accrue up to a maximum of 60 days per eligible anniversary year and 240 days overall. A benefit eligible employee who has completed 20 or more years of service in 2023 will accrue up to a maximum of 120 days of additional sick leave. All other sick leave will accrue without a limit. Employees retain their sick leave accrual balance from year to year. Annual leave over the allowed maximum in the pay cycle ending on or before January 15th will be converted to sick leave. When such annual leave is converted to sick leave, the sick leave policy provisions apply. *See section 2201 – Annual Leave.*

H. Separation from Service

Sick leave is not paid out to an employee upon separation of employment from Wake County.

Upon separation from County service, an employee may request a letter from Human Resources to transfer his or her sick leave balance to another North Carolina County and City Government or NC State Government if the receiving organization accepts sick leave from Wake County.

Upon retirement from active service, an employees' unused sick leave, including any converted annual leave and any additional sick leave accrued based on years of service in a Wake County benefits eligible position, may be applied for additional service credit towards retirement according to the provisions of the North Carolina Local Governmental Employees Retirement System.

I. Reinstatement of Sick Leave Benefits

An employee who has been reinstated within one year of separation from the County shall be credited with the employee's previously accrued sick leave, provided that his or her sick leave was not transferred to another organization.

Years of service completed prior to reinstatement will be used in the calculation of total years of service for additional sick leave eligibility.

Years of service completed prior to rehire after one or more years of separation will not be used in the calculation of total years of service for additional sick leave eligibility.

J. Transfer of Sick Leave Benefits

Any member of the North Carolina Local Government Employees' Retirement System or the North Carolina State Employees' Retirement System who terminates employment with another agency and is hired within twelve (12) months by Wake County may transfer his or her sick leave to Wake County.

The employee must provide documentation of his or her sick leave balance from the most immediate former employer to Human Resources within six (6) months of the employee's hire, reinstatement, or rehire date.

Transfer of sick leave is the sole responsibility of the employee and all required documentation must be

received by Human Resources within six (6) months. Sick leave transferred to the County in this manner may be used by employees the same as sick leave earned while working for the County.

2203 Holiday Leave

Wake County provides thirteen (13) paid **County observed holidays**, as designated by the Board of Commissioners (BOC) to benefit eligible employees. Since the County operates year-round, some benefit eligible employees may receive other designated holidays or banked holidays to use at an alternative time. All benefit eligible employees; however, will receive the same number of holidays.

A. County Observed Holidays

The following days are designated by the BOC as County observed holidays:

- New Year's Day
- Martin Luther King Jr. Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving (two days)
- Christmas (three days)

All the holidays listed above are either a legal public holiday established by the North Carolina State Legislature or a related day (ex. three days at Christmas).

Unless a special schedule has been adopted, when the County observed holiday falls on a Saturday, the previous Friday is observed. When the holiday falls on a Sunday, the following Monday is observed.

A holiday schedule is identified each calendar year and unless otherwise noted, the schedule applies to all County agencies. Such schedule is issued to Department Heads and communicated to employees.

B. Amount of Holiday Pay

Holiday pay is based on the employee's annualized scheduled hours, not scheduled hours for that day. An employee must be in pay status during the pay period in which the County observed holiday occurs to receive the paid holiday leave.

1. Departments Who Observe Designated Holiday

For employees who work in departments or facilities that are closed on the County observed holiday, the employee will receive one day of holiday pay for each holiday. The hours provided are based on the employee's annualized

hours, not the employee's scheduled hours for that day.

Full-time benefit eligible employees working 2080 hours per year (40 hours per week) will receive 8 hours of holiday pay, regardless of the employee's scheduled hours for the day. Eligible employees with different annualized hours will receive pay for holidays at a pro rata basis.

2. Departments Who May Work on the Holiday

For employees who work in departments or facilities that may be open on a County observed holiday but do not have to work, the employees will receive the paid holiday leave, as outlined in section B1 above.

If a non-exempt employee is required to work, the employee will receive pay for any hours worked, according to the Fair Labor Standards Act, in addition to premium pay (one-half annualized hourly rate) for the number of hours worked on the holiday up to twenty-four (24) hours. Additionally, the employee can either:

- receive the paid holiday leave in the paycheck that includes the observed holiday, or
- receive the holiday leave as banked leave to use at a later date

The County will pay the employee for any time worked, the premium pay and for the holiday leave, unless otherwise requested. When an employee is required to work on a County observed holiday and banks the holiday leave, the supervisor should schedule time off for the employee soon after the observed holiday to exhaust any holiday leave accrued.

Department Heads are not eligible for holiday premium pay.

3. Departments Required to Work Holidays

Agencies requiring a twenty-four (24) hour operation that will be required to work holidays may adopt varying holiday schedules in keeping with operational needs, provided the employees are given the same number of holidays as approved by the BOC. An alternative holiday schedule must be approved by the Department Head. Alternative holiday schedules must be submitted in writing to the Payroll Manager and Chief Human Resources Officer.

If a department has an approved alternative holiday schedule, employees cannot record timesheet codes HOLTK or HOLDA on County observed holidays. These hours may only be entered on one holiday schedule; either the County observed schedule or the approved departmental schedule but never both.

C. Use of Banked Holiday

The use of the banked holiday must be pre-approved by a supervisor and when approved, such leave must be taken in five (5) minute increments. Holiday leave must

be used before annual leave and leave without pay.

D. Effect on Other Types of Leave

County observed holidays which fall on or during approved annual, sick, or other paid leave will not be considered annual, sick, or other paid leave. Holiday leave is paid and should be used prior to the use of annual leave.

E. Request to Observe Other Holidays

Employees may wish to observe other religious holidays. Department Heads should arrange the work schedule so that an employee may take any banked holiday leave or annual leave for such requests. Requests for banked holiday leave or annual leave should be approved unless it would create an undue hardship on other County employees or impair the efficient operation and service delivery of County.

F. First and Last Day Worked

Unless the holiday is an actual workday for the employee, an employee's first day of work and last day of work may not be on a County observed holiday.

G. Maximum Banked Holiday Leave

Banked holiday leave may be accumulated without any applicable maximum until January 15th of each calendar year. The maximum banked holiday leave eligible for carryover for a full-time employee is eighty (80) hours.

In the pay cycle ending on or before January 15th, any banked holiday leave in excess of the eighty (80) hours maximum will be converted to sick leave. Once converted, this leave is considered sick leave and may be used in the same manner as accrued sick leave.

H. Payment Upon Separation

Upon separation from service or transfer from a benefits eligible position, an employee will be paid a lump sum for any banked holiday leave, up to a maximum of eighty (80) hours. Banked holiday leave shall be paid out at the hourly rate at the time of separation. An employee who owes money to the County or fails to return property to the County may have funds withheld from the holiday leave payout.

Upon retirement, any banked holiday leave up to the applicable maximum will be paid out. Any banked holiday leave in excess of the maximum will be rolled into sick leave and may be used for credible years of service.

In the event of a current employee death, the payment of banked holiday leave for the current employee shall be paid to "The Estate of." The payout will include all banked holiday leave, not to exceed the applicable maximum.

2204 Community Involvement Leave

Wake County recognizes the value of actively contributing to one's community and is

committed to supporting employee involvement in civic, educational, and not-for-profit activities. Therefore, the County annually provides paid community involvement leave to all benefit eligible employees as of January 15, 2015.

A. Amount of Community Involvement Leave

Full-time employees (scheduled for 2080 hours/year or 40 hours/week) shall earn community involvement leave at the rate of 16 hours per calendar year. Benefit-eligible employees with a different set of annual hours will receive community involvement leave in direct proportion to their annual scheduled work hours.

B. Accumulation of Leave

Community involvement leave will be replenished at the beginning of each calendar year and may be used throughout the year. Community involvement leave does not accumulate and therefore will not be carried forward from year to year.

The community involvement leave balance of an employee who changes annual work hours mid-year (because of a position change, schedule change, etc.) will be adjusted to reflect the proportional amount of community involvement leave remaining based on the employee's new schedule. The adjustment will ensure the employee receives the correct number of community involvement leave days for the year.

C. Use of Community Involvement Leave

Community involvement leave, when approved, must be taken in five (5) minute increments. This leave may be granted for:

- Parents for involvement with their child in the schools;
- Volunteer activity with the schools;
- Volunteer activity with not-for-profit organizations;
- Up to two (2) hours for voting in an election for each election; and
- Volunteer activity in a North Carolina election as a precinct official in all positionsexcept for the position of Chief Judge.

Other than working as a precinct official, this leave is not to be used for official county business, County sponsored activities or political activities, in accordance with County Policy on Political Activity.

Employees may use community involvement leave, banked leave, or annual leave to volunteer as a precinct official as described above. This leave must be requested and approved by the supervisor thirty days in advance. Employees will receive their regular salary plus any salary or stipend associated with working as a precinct official. Other rules and restrictions regarding working as a precinct official may apply and should be directed to the Board of Elections.

Community involvement leave may also be used for charitable activities sponsored by a religious organization but may not be used for activities designed to promote or disparage religious beliefs. Misuse of this leave shall be subject to disciplinary action

up to and including dismissal.

D. Process to Request Community Involvement Leave

Community involvement leave is a privilege granted by the County. Community involvement leave requires the advance approval of the supervisor. The supervisor may request additional documentation before or after the use of the leave.

E. Exhaustion of Community Involvement Leave

After community involvement leave has been exhausted, the employee may request to use annual leave for any additional community involvement desired. The employee's request shall be subject to the respective leave policy.

F. Separation from Service

Community involvement leave is not paid out upon separation from employment with Wake County.

G. Reinstatement of Community Involvement Leave

A **reinstated** employee who separates from service and who is reinstated within the same calendar year shall be credited with the employee's previous community involvement leave balance.

See [Appendix 2200-A: Community Involvement Leave FAQs](#) for additional information.

2205 Family Medical Leave

Wake County complies with the **Family Medical Leave Act (FMLA)** of 1993 and therefore allows eligible employees to take up to 12 weeks of paid or unpaid job protected leave, unless the FMLA leave is needed for **caregiver leave** in which the employee may use up to 26 weeks. Employees are required to use paid leave before using leave without pay.

A. Eligibility

To be eligible for leave under the FMLA, an **employee** must have worked for Wake County for at least 12-months (which does not have to be consecutive months) and must have worked at least 1,250 compensable hours during the preceding 12 months. The 1,250 hours must be actual hours worked and does not include sick, holiday, or other paid non-working time.

B. Qualifying Reasons

An eligible employee must have one of the following FMLA qualifying events:

- Birth of a son or daughter, to care for a newborn child, for placement of a child for adoption or foster care or for placement of a child with an employee in loco parentis;
- An employee's own serious health condition which means illness, injury, impairment or a physical or mental condition which makes the employee unable to perform the essential functions of the employee's position;
- Care of the employee's spouse, child or parent who has a serious health

condition;

- A qualifying exigency arising out of the employee's spouse, child or parent's active duty or call to active duty in the Armed Forces for a contingency operation;
- Care of the employee's spouse, child, parent, or next of kin (nearest blood relative) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the spouse, child, parent, or next of kin medically unfit to perform duties of his/her office, grade, rank or rating ("Caregiver Leave").

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

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

A "period of incapacity" includes work days, non-work days and scheduled off days.

C. Notices and Documentation

For a flowchart of the below FMLA request, review, and approval process, please see [Appendix 2200-B: FMLA Flow Chart.](#)

Initial Request for FMLA Leave

When possible and foreseeable, employees must notify the **Leave Administrator** and their supervisor thirty (30) days before the need for FMLA leave. For unforeseeable leave, the employee must notify the Leave Administrator and supervisor within five (5) business days from the date the leave began or no more than two (2) business days after returning to work (whichever occurs first).

Such initial request can be made over the phone, in person or via written documentation submitted. Employees must continue to follow their departmental call out procedures when absent due to an FMLA event, even if the FMLA case is still under review. Call out procedures will continue throughout the event for intermittent FMLA

leave. It is not necessary to call out for approved continuous FMLA events once the supervisor has initial notification unless there is a change.

Notice of Eligibility

Once the supervisor and Leave Administrator have been notified, the employee's eligibility will be identified. The employee will be sent a Notice of Eligibility and Rights & Responsibilities within five (5) business days after the Leave Administrator receives the request for FMLA leave. This notice will include additional forms and documents for an employee to reference and/or complete.

Supporting Documentation

If the employee is eligible for leave under the FMLA, supporting documentation will be requested and required within a designated time period.

Such supporting documentation includes:

- **Birth:** Form WH-380E or WH-380F or a Health Care Provider's note.
- **Adoption or Placement:** Proof of adoption or placement of a child.
- **Employee Serious Health Condition:** Form WH-380E, which is a Medical Certification, must be completed by the health care provider and state the anticipated date of return. An Attending Physician's Statement can be provided if the claim may also qualify for Short Term Disability.
- **Serious Health Condition of a Parent, Spouse or Child:** Form WH-380F, which is a Medical Certification, must be completed by the health care provider and anticipated recovery or treatment period. Aflac will provide the current job description for the employee to share with the treating physician.
- **Qualifying Exigency:** A copy of the family member's active duty orders or other reasonable documentation must be provided.
- **Injured Service Member:** Military documentation identifying the injured covered service member.

The supporting documentation must be provided within fifteen (15) calendar days of the Notice of Eligibility. If such documentation is incomplete or insufficient, the Leave Administrator may request additional documentation within the set timeframe. Failure to provide the additional information as scheduled may result in denial of the leave.

Designation Notice

Once sufficient information is provided to determine whether the leave qualifies for a FMLA reason, the employee will be sent a Designation Notice advising the employee whether the leave is approved. The Designation Notice will also include the amount of leave designated and/or any return to work requirements. The employee, supervisor and Human Resources will be notified whether the leave is approved or denied.

An employee who does not qualify for leave under the FMLA due to his/her eligibility and/or qualifying reason will be notified of the denial. The employee may then request leave through their department. If approved, the employee will use

his/her paid leave and when exhausted, take leave without pay. Such leave will not be considered leave protected under the FMLA.

For an overview of correspondence regarding FMLA notifications and determinations, please see [Appendix 2200-C: Overview of FMLA Correspondence](#).

Request for Recertification

An employee will be required to recertify or resubmit the necessary documentation on an annual basis.

An employee may also be asked to provide recertification while on FMLA. The recertification may be requested every 30 days or at the end of the approved duration when the duration of the serious health condition lasted more than 30 days. Employees may be asked for recertification sooner than 30 days if the employee requests an extension of leave, circumstances described by previous certification have changed significantly, or the employer receives information causing the employer to doubt the employee's stated reasons for the absence or the continuing validity of the existing medical certification.

When on FMLA leave, an employee may also be required to report periodically on his or her status and the intention to return to work. The employee may also be asked to provide a periodic recertification of the medical condition as described above. In any case, the employee will be notified in writing of the request for documentation and will be given at least 15 calendar days to provide the recertification.

Notification of Changes to FMLA

If there are changes to the employee's initial request, the employee must notify their supervisor and Leave Administrator immediately. The Leave Administrator will review the eligibility and determine if the change is substantiated or if additional documentation is needed. The Leave Administrator will notify the supervisor and Human Resources of any approved changes to the FMLA leave.

D. Measurement Period

Wake County measures the 12-month period as rolling 12 months, measured backward from the date an employee uses any FMLA leave. The 12-month measurement period is used to determine the amount of available leave for the FMLA qualifying event.

E. Amount and Types of Leave

Amount of Leave

An eligible employee is entitled to up to 12 weeks of unpaid FMLA leave in the 12-month period for any FMLA qualifying reason.

For the birth, adoption, or placement of a child, the FMLA leave must be taken within the first 12 months after the date of birth, adoption, or placement.

An eligible employee may take up to 26 weeks of unpaid FMLA leave during a single 12-month period for caregiver leave. Caregiver leave, when combined with another FMLA qualifying reason, may not exceed 26 weeks in a single 12-month period.

Types of FMLA Usage

The FMLA allows an eligible employee to use FMLA leave either continuously and/or intermittently with provisions.

Continuous: An employee may take up to 12 weeks (26 weeks for caregiver) of continuous FMLA leave for an FMLA qualifying reason. The certification and/or documentation should provide an estimated begin and return date. Multiple instances of continuous FMLA leave may be approved if eligible and for an approved qualifying reason.

Intermittent or Reduced Schedule: An employee may take up to 12 weeks of leave throughout the course of a 12-month rolling period. Intermittent leave may be taken but is not guaranteed, unless medically necessary. For intermittent leave, which is not medically necessary, the leave must be agreed upon with the supervisor's consent. In all cases, employees must make a reasonable effort to schedule intermittent or set reduced schedules. The supervisor will make all efforts to accommodate intermittent requests.

F. Using the Approved FMLA leave

Notification of Use

When an employee is approved for continuous leave under the Family Medical Leave Act, the employee is scheduled to be out and does not need to notify the supervisor or Leave Administrator prior to beginning FMLA leave. The employee must notify their supervisor and Leave Administrator if there has been a change to the initial FMLA leave.

With regards to intermittent leave, the employee must notify their supervisor and Leave Administrator before using such leave, in accordance with County policy and call in procedures. With each leave request, the supervisor will note the employee's absence and the Leave Administrator will validate the employee's FMLA eligibility and approved time; the Leave Administrator will approve or deny the use of the FMLA request. Such approval or denial will be shared with the employee, supervisor, and Human Resources. If the FMLA case or FMLA intermittent leave is denied, the employee must contact their supervisor to identify whether other leave can be used for the day or if the employee should return to work. Failure to return to work or notify the supervisor and Leave Administrator that the employee will not return to work as approved, may result in disciplinary action, up to and including dismissal.

See [Appendix 2200-D: Instructions on Absence Management Portal](#).

Use of Paid Accrued Leave

The County requires that paid leave run concurrently (at the same time) with FMLA

leave. If an employee has paid leave available, the employee will be required to use accrued paid leave, including sick leave and annual leave, before taking unpaid FMLA leave. Employees eligible for paid parental leave must use paid parental leave first.

Such leave should be recorded on the employee's timesheet and approved by the supervisor.

Employees who are receiving disability benefits during their FMLA leave must also use his or her sick or annual leave during the FMLA leave before going on leave without pay.

Any portion of the FMLA leave where vacation or sick leave is used will be with pay and in accordance with County policy.

Employees who are receiving worker's compensation benefits during their FMLA leave are not allowed to use their sick or annual time during the FMLA leave.

Employees who do not have sufficient paid leave for the approved FMLA event will be entitled to use unpaid FMLA leave.

Concurrent to Other Leave

FMLA leave will run concurrently with all FMLA qualifying leaves, including but not limited to, workers' compensation, short-term disability, and applicable state leaves.

G. Benefits and Leave while on FMLA Leave

Health, Dental and Vision Insurance Benefits

During FMLA leave, the County will continue to pay its portion of the health, dental and vision insurance premiums and the employee, if applicable, must continue to pay his or her share of the premium.

Failure of the employee to pay his or her share of the insurance premiums may result in loss of coverage. If the employee fails to pay the employee's share in a timely manner, the employee will have a grace period of 30 days to pay the premium without loss of coverage. At least 15 days before the expiration of the grace period, the employee will receive a notice with the date the insurance will expire. When an employee is on FMLA and is in Leave without Pay (LWOP), they will receive a billing statement at the end of the month for their portion of the insurance premiums. The County will continue to pay the employer portion. Once FMLA is exhausted and the employee has been in LWOP for a 30-day period, the County will cancel the core benefits (medical, dental and vision) and initiate COBRA continuation coverage for these benefits.

Supplemental Benefits

During LWOP (FMLA or Non-FMLA), the employee will be billed for these premiums and must continue to pay to maintain coverage. The County may, at its discretion, pay the employee's share of the premium and recover the cost upon return to work.

If the employee does not return to work and did not pay to maintain coverage of the supplemental benefits while on LWOP, these benefits will be terminated retroactive to the date in which they were paid through.

Accruing Paid Leave

During the FMLA leave, an employee shall continue to accrue paid leaves such as annual leave and sick leave on the same basis as other employees, so long as the employee is in paid status. Accrual benefits shall stop when the employee is on leave without pay. Benefits accrued up to the day on which the FMLA leave begins will not be lost.

Retirement Contributions

If the employee is on FMLA leave and in paid status, the employee will continue to receive retirement and 401(k) contributions. The employee can elect to stop the employee's personal contributions.

Continuation of Other Benefits

If an employee files for disability or workers' compensation benefits, the employee must comply with the certification requirements of the disability or workers' compensation benefit plan. Employees who fail to meet the disability or workers' compensation requirements may not be eligible for those benefits.

H. Transfer of Positions

When an employee requests and is approved for intermittent leave or leave on a reduced schedule, the County may require the employee to transfer to a temporary job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours. The temporary position will have equivalent pay and benefits as the employee's regular job.

I. Return to Work

Documentation to Return

An employee taking leave due to the employee's serious health condition and in some cases of pregnancy are required to provide documentation before returning to work. Such certification must assess the employee's ability to return to work and perform the essential functions of the job as identified in writing by the County and any restrictions.

Process to Return to Work

An employee can return to work without taking any action if the employee is returning as originally expected and the absence was not for his or her own health condition. An employee must notify the Leave Administrator and his or her supervisor if he or she is unable to return to work as originally approved. The employee must notify the supervisor and Leave Administrator as soon as practicable.

If the employee is out for a serious health condition, the employee must receive clearance to return to work from the treating physician. The employee must take a copy of the job description along with a Return to Work Authorization Form to the

treating physician so that the physician can review the job requirements when clearing the employee for duty. The employee must provide the Return to Work Authorization Form to the County 48 business hours prior to the expected return to work.

See [Appendix 2200-E: Return to Work Authorization Form](#)

Types of Return to Work

1. Returning as Scheduled

An employee, who can return to work as scheduled, must report to his or her work location as designated.

If the employee returns, but needs additional leave, either for the same FMLA qualifying event or another FMLA qualifying reason, the employee must notify their supervisor and the Leave Administrator. Approval is needed prior to taking additional time off.

2. Returning with Restrictions

If the employee can return to work but has restrictions, the employee must provide the return to work authorization 48 business hours before returning. The authorization should outline such restrictions as they relate to the position. The Leave Administrator and the County will identify if such modifications can be met in accordance with the County's Return to Work policy and Americans with Disabilities Act (ADA) policy. The County is not required to create a job that does not exist or modify a job which results in a hardship to the organization.

See Wake County Policy 1700 for additional guidance on accommodations under the Americans with Disability Act (ADA).

3. Unable to Return as Scheduled

If the employee is unable to return as scheduled, the employee must notify the supervisor and Leave Administrator immediately when known. The Leave Administrator will work directly with the employee and supervisor to evaluate the request. Additional documentation may be required. Failure to notify the Leave Administrator and the supervisor and failure to return to work as scheduled, may result in disciplinary action up to and including dismissal. Employees who fail to return to work after three (3) days of the expiration of an approved leave without notification will be considered to have voluntarily resigned from the County.

No additional FMLA leave, outside of the 12 weeks, is required to be provided by the County. Any such leave is subject to the approval of the Department Director in coordination with Human Resources and the County Attorney. Such requests will only be granted if they do not represent a hardship to the department and the County.

Restoration when Returning from FMLA Leave

Employees who return to work as scheduled or after the approved leave period are entitled to return to their job or an equivalent position without the loss of benefits or pay in accordance with the FMLA. An employee returning from FMLA leave may be denied reinstatement altogether under the following circumstances:

- the employee is unable to perform the essential functions of the job with or without a reasonable accommodation for a qualifying disability under the ADA;
- the employee's position was eliminated due to a reduction in force;
- the employee's leave was obtained by fraud or deliberate misrepresentation;
- the employee was hired for a position based on a specific project, grant, or departmental need for which the employee is no longer needed;
- the employee failed to return to work upon the expiration of approved leave without requesting a leave extension supported by documentation substantiating the need;
- the position is a highly compensated position that is essential to County operations.

Failure to Return

Employees who fail to return to work after three (3) days of the expiration of an approved leave without notification will be considered to have voluntarily resigned from the County.

J. Failure to Comply

Employees who do not follow the County's policy for leave under the Family Medical Leave Act may forfeit his or her rights to protected leave under the FMLA. Any absence will be subject to the County's policy and the approval of the supervisor. Failure to report to work without an approved absence may lead to disciplinary action, up to and including dismissal. Employees who fail to return to work after three (3) days of the expiration of an approved leave without notification will be considered to have voluntarily resigned from the County.

The County may designate leave as FMLA leave if the County has sufficient information that the employee is eligible for FMLA leave and has an FMLA qualifying event. Such leave may be designate as FMLA leave, even if the documentation has not been returned in the designated time frame.

For guidance on policy compliance and procedures, see [Appendix 2200-F: FMLA/Leave Employee Checklist](#) and [Appendix 2200-G: FMLA/Leave Supervisor Checklist](#).

K. Confidentiality and Management

All medical documents, including the medical certificates, shall be maintained in a separate confidential file. The County will keep a record of all FMLA leave taken and may provide such information to an employee at the employee's request.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

2206 Paid Parental Leave

Wake County believes that strong families benefit both the local community and the workplace. For this reason, Wake County offers the option of **paid parental leave** to **parents** for the birth, bonding, and care of a **child**.

The purpose of paid parental leave is to allow eight (8) weeks of paid leave for regular, full- time or part-time **benefits eligible employees** of the County for: parental care of a newborn or a child placed for adoption, foster care, or guardianship within 12 months of the qualifying event. The **Family Medical Leave Act (FMLA)** or another **approved leave of absence** may provide leave to eligible employees but does not address the lack of income experienced by many during periods of necessary leave. Therefore, the paid parental leave addresses the lack of income experienced by many for such qualifying events.

A. Qualifying Event and Eligibility

- 1. Qualifying Event:** A full-time, part-time, or time-limited benefits eligible employee may request paid parental leave for any one of the following qualifying events within 12 months of the qualifying event:
 - Birth of a child of the employee;
 - The legal placement of a child with the employee for adoption, foster care or guardianship; or
 - The placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibilities (in loco parentis)

- 2. Eligibility:**

A full-time, part-time, or time-limited benefits eligible employee may request paid parental leave, regardless of FMLA eligibility. Temporary employees are not eligible for paid parental leave.

B. Amount of Paid Parental Leave

An employee may receive up to eight (8) weeks of paid parental leave in a rolling twelve (12) month period that begins on the qualifying event date. In no event will the amount of paid parental leave exceed eight (8) weeks in a rolling twelve (12) month period. All leave must be completed within twelve (12) months of the qualifying event.

If both parents are employed by the County and have one qualifying event, each parent is eligible for the eight (8) weeks of paid parental leave. Each parent can use their allocated eight (8) weeks of paid parental leave, either continuously or intermittently.

C. Documentation for Paid Parental Leave

To request paid parental leave, the employee must submit the request for leave to the **Leave Administrator**, including the **supporting documentation**. The supporting documentation should include, but not be limited to the documentation submitted under the Family Medical Leave Act (WH-380-E) **or** one of the following:

- Birth of child: A certificate of live birth or similar government issued document, listing the requesting employee as a legal parent;
- Legal placement of a child: A certified copy of a court order granting legal custody of the child to the requesting employee;
- In Loco Parentis: A notarized statement from the employee asserting that he or she is assuming and discharging the obligations of a parent to a child. The statement must include the age of the child, the degree to which the child is dependent on the employee, the amount of support, if any provided by the employee and the extent to which the employee exercises duties commonly associated with parenthood;
- Non-legal placement of a child: Two (2) official records establishing the employee as a named caregiver to the child (e.g. school enrollment, insurance records, or medical records); and documentation establishing the date when the placement occurred (e.g. insurance records and certificates of death)

The request for paid parental leave and the supporting documentation must be provided at least 30 days prior to the birth, adoption, or placement if foreseeable or as soon as practicable.

D. Review for Paid Parental Leave

Once the supporting document for the leave request is received, the request will be reviewed by the Leave Administrator. If the employee is eligible for FMLA, the Leave Administrator will notify the employee, supervisor, and Human Resources of the approval to use Family Medical Leave and paid parental leave concurrently. If the employee is not eligible for FMLA, but meets the criteria for paid parental leave, the Leave Administrator will notify the employee, supervisor, and Human Resources of the approval to use paid parental leave.

E. Use of Paid Parental Leave

Paid parental leave can run continuously or intermittently. For example, if an employee uses only four (4) workweeks of the eight (8) weeks provided for a qualifying event, the employee would be eligible to use the remaining four (4) weeks for the same qualifying event within the twelve (12) months following the event.

If the leave is to be intermittent, the leave schedule must be approved by the supervisor in advance.

F. Benefits, Leave and Pay during Paid Parental Leave

The following outlines employee benefits while on paid parental leave:

- Health, Dental & Vision Insurance – If the employee is enrolled in health, dental, and/or vision insurance, the County will continue to pay its portion of premiums and the employee, if applicable, must continue to pay his or her share of the premium. During paid parental leave, all contributions will continue to be deducted from the employee's paycheck.
- Retirement Benefits - Retirement contributions and retirement service credit will continue to accrue during the paid parental leave period.
- Accrual of Leave - Annual leave and sick leave will continue to accrue during the period of paid parental leave.

Coding Time during Leave

The employee or employee's supervisor must code approved paid parental leave in the County's timekeeping system for all time off during the paid parental leave period.

Concurrent Leave

Paid parental leave shall run concurrently with FMLA leave, if the employee is eligible for FMLA, or an approved paid parental leave of absence.

G. Return from Paid Parental Leave

An employee returning from a paid parental leave of absence that ran concurrently with FMLA leave must be reinstated to their previous position in accordance with Wake County Leave Policy, Section 2205. Employees who fail to return to work after three (3) days of the expiration of an approved leave will be considered to have voluntarily resigned from the County.

H. Exhaustion of Paid Parental Leave

After paid parental leave has been exhausted, an employee will be required to use accrued paid leave, in accordance with the County's leave policy, before requesting leave without pay to continue care for a newborn child, a child placed for adoption, guardianship or foster care.

I. State-Specific Paid Parental Leave

For remote employees who reside and work outside of the state of North Carolina, the County will comply, when required, with the paid parental leave laws of the state in which the remote employee resides and works.

2207 Bereavement Leave

Wake County understands the importance in supporting employees as they grieve the loss of a loved one; therefore, Wake County provides paid bereavement leave to support benefit eligible employees who are suffering the loss of a **family member**.

A. Amount of Leave

Full-time employees (scheduled for 2080 hours/year or 40 hours/week) shall receive bereavement leave at the rate of 40 hours per calendar year. Benefit-eligible employees with a different set of annual hours will receive bereavement leave in direct proportion to their annual scheduled work hours.

Eligible employees will receive the leave at the beginning of each calendar year or upon hire with the County.

B. Accumulation of Leave

Bereavement leave will be replenished at the beginning of each calendar year and may be used throughout the year. Bereavement leave does not accumulate and therefore will not be carried forward from year to year.

Any bereavement leave balance of an employee who changes annual work hours mid-year (because of a position change, schedule change, etc.) will be adjusted to reflect the proportional amount of bereavement leave remaining, based on the employee's new schedule. The adjustment will ensure the employee receives the correct number of bereavement leave days for the year.

C. Use of Bereavement Leave

Bereavement leave may be used for the loss of a family member, as defined in the definition section of this policy. An employee shall request such leave within reasonable time after the event. Bereavement leave, when approved, must be taken in five (5) minute increments.

An employee may not use more bereavement leave than what he or she is scheduled for on the work day being missed and cannot use bereavement leave more than the employee's scheduled work hours for the week.

Additional time off for the loss of a family member or to grieve the loss of an individual outside the definition of a family member may be requested. Such leave must be approved by the supervisor. If approved, such time off must be charged to annual leave, holiday leave, sick leave, or other accrued leave. Paid leave must be exhausted before leave without pay may be used.

D. Process to Request Bereavement Leave

The employee is expected to notify the supervisor of the need to use bereavement leave with at least a 48-hour notice. In unique instances an employee may provide less than 48-hour notice. The supervisor, in collaboration with the Department Director, may deny the request for bereavement leave if the request was found to be untimely or impact the operations of the organization.

The County, to include the supervisor, may request documentation for the need for bereavement leave.

E. Return from Leave

The employee is expected to return from bereavement leave as scheduled. If an employee is unable to return as expected, the employee must notify his/her supervisor immediately. Failure to return to work as scheduled and failure to notify one's supervisor may result in disciplinary action, up to and including dismissal.

F. Exhaustion of Bereavement Leave

After bereavement leave has been exhausted, the employee may request to use annual leave, holiday leave, sick leave, or other accrued leave for bereavement.

G. Separation from Service

Bereavement leave is not paid out upon separation from employment with Wake County.

H. Reinstatement of Bereavement Leave

A reinstated employee who separates from service and who is reinstated within the same calendar year shall be credited with the employee's previous bereavement leave balance.

2208 Shared Leave

The County recognizes an employee, through no fault of their own, may have inadequate leave balances to cover absences related to the employee's own illness or injury or that of a Family Member. The County understands that employees may want to support fellow employees and their financial well-being; therefore, Wake County allows benefits eligible employees to donate earned annual and sick leave to another Wake County coworker who is in need.

A. Eligibility

A benefit eligible employee may participate in the shared leave program, either as a donor or a recipient, if the requirements of this policy are met.

To be eligible to receive donations, an employee must:

- Experience a qualifying absence, either for their own illness or injury, or that of a family member as defined by the County's leave policy; and
- Exhaust all available leave accruals (sick, annual, holiday, extraordinary leave, bonus leave, etc.) before receiving donations; and
- Apply for leave under the Family Medical Leave Act (FMLA), if the absence qualifies; and
- Exhaust Paid Family Illness Leave, if the absence qualifies; and
- Exhaust Paid Parental Leave, if the absence qualifies; and
- Receive prior approval from their supervisor to receive donations for the absence.

Human Resources determines an employee's eligibility to receive leave donations and may request documentation about the need for leave, such as a medical certification, from the employee.

To be eligible to make donations, an employee must:

- Maintain a minimum balance of 80 hours of leave for each leave type being donated. For example, if sick leave is being donated, the donating employee must maintain a minimum balance of 80 hours of sick leave; and
- Not have submitted notice of resignation or retirement; and
- Not be transferring to a non-benefit eligible position.

Human Resources determines an employee's eligibility to make leave donations.

B. Process to Request and Donate Leave

Request Donations

To request donated leave, the employee must submit a Shared Leave Recipient Application to his or her supervisor for signature. The employee then must submit the approved Shared Leave Recipient Application form to Human Resources. The request will be reviewed by Human Resources to ensure the employee meets the eligibility requirements of this policy. Human Resources may request documentation about the need for leave, such as a medical certification, from the employee before donations are granted. When submitting the donation request in advance is not feasible, the employee must contact their supervisor or Human Resources as soon as practicable.

An employee may not directly or indirectly intimidate, threaten, coerce, or in any way pressure any other employee with respect to receiving leave.

Submit Donations

A benefit eligible employee may donate leave to another benefit eligible employee, if both employees meet the eligibility requirements of this policy. To make a donation, the donating employee must complete the Shared Leave Donation Form, specifying the employee to which they would like to donate, and submit to Human Resources. The request to make a donation will be reviewed by Human Resources to ensure the donating employee meets the eligibility requirements of this policy.

An employee may not directly or indirectly intimidate, threaten, coerce, or in any way pressure any other employee with respect to donating leave.

C. Amount of Donated Leave

Donations must be made in eight-hour increments (8 hours, 16 hours, 24 hours and so on). Donations may only be made by one eligible employee to another once per pay period, and the donation made by one eligible employee to another may not exceed 80 hours per pay period. Donations from one eligible employee to multiple eligible recipients may be allowed in one pay period; however, in no circumstance may a donation to any one recipient exceed 80 hours per pay period. An eligible employee will not be granted more donations than necessary to cover the qualifying absence each pay period. Donations will be granted in 8- hour increments.

D. Donated Leave Received

Donated leave may be granted when the employee has been determined by Human Resources as eligible to receive donated leave. The donated leave will be available and effective in the same pay period that the donation was received. Donated leave will not be applied retroactively.

Upon exhaustion of leave accruals and other paid leave options, the recipient must notify Human Resources and request the number of donated leave hours that are needed to cover the qualifying absence each pay period. A recipient will not be granted more donations than necessary to cover the qualifying absence each pay period, in 8-hour increments.

Once the donation is applied to the recipient's sick leave balance, the leave is the benefit of the recipient. Donated leave, once transferred to the recipient's sick leave balance, will not be returned to the donating employee. However, if, at the end of the calendar year, the recipient has not used all donations received, the unused donations will be returned to the donating employee.

E. Use of Shared Leave

Annual leave donated to an employee becomes sick leave and therefore must be used in the same manner as sick leave. Sick leave donated to an employee remains sick leave and must be used in the same manner as sick leave. Refer to 2202 – Sick Leave policy. Use of shared leave must be in accordance with applicable leave policies.

F. Participation in Program

Donation of leave is strictly voluntary. An employee may not directly or indirectly intimidate, threaten, coerce or in any way pressure another employee to donate leave. An employee donating leave cannot receive remuneration for the leave donated. Any conduct of this nature constitutes grounds for disciplinary action up to and including dismissal.

Supervisors should be mindful of perceptions and are expected to exercise care and good judgment when accepting leave from a subordinate or from someone whom they have influence regarding personnel matters.

G. Restrictions within Program

Donated leave will not be granted to an employee who has misused their own leave. Such situations will be agreed upon by the Department Head and Human Resources.

Leave cannot be donated by an employee who has announced separation or retirement from the County or is transferring into a non-benefited position.

2209 Administrative Leave

Wake County may authorize administrative leave with pay for benefit eligible employees for purposes considered to be in the public interest, in cases of civil disturbances or in such other circumstances when good judgment and common practice would dictate.

A. Types of Administrative Leave

1. Conducting an Investigation

Investigatory leave is a non-disciplinary measure that provides time for management to investigate allegations of employee misconduct or serious violations of work rules, to establish facts and make a decision concerning the employee's status in cases where it is determined that the employee should not continue to remain at work. While in this status, an employee's time should be recorded as paid administrative leave. Administrative leave more than two (2) weeks requires prior approval of the Department Head, Chief Human Resources Officer, and the County Attorney's Office.

2. Interviewing or Skills Testing

Administrative leave with pay may be used to allow a benefit eligible employee to complete clerical skills testing and/or to interview for other positions within the County. An employee, regardless of probationary status, may request this leave but the employee must receive approval from his/her supervisor. Such leave with pay may not be provided for the testing or interviewing of a position outside of the County.

3. Utilizing the Employee Assistance Program

Administrative leave with pay may be used to allow a benefit eligible employee, regardless of probationary status, to visit the Employee Assistance program when the employee is referred by the supervisor during the employee's regularly scheduled hours. The employee may receive up to two hours of paid administrative leave for this purpose per referral or as otherwise approved by the Department Director and Chief Human Resources Officer.

4. Other Instances

Other instances as identified by the Department Head and approved by the Chief Human Resources Officer may be eligible for paid administrative leave.

A benefit eligible employee on the County's health insurance does not need to use administrative leave when visiting the Employee Health Center (EHC). Time at the Employee Health Center can be counted as regular time worked. A supervisor may request documentation of the employee's visit.

B. Paid leave

Administrative leave shall be paid and will not be deducted from an employee's paid accrual balance.

C. Notification of Leave

Administrative leave is traditionally recommended or required by a supervisor. If requested by an employee, the supervisor should review the request timely.

Wake County recognizes that employees may be called upon for jury duty or subpoenaed as witnesses and therefore grants leave with pay to benefit eligible employees. This leave is not required by law, but a benefit provided by the County.

A. Court Subpoenaed Leave

1. Qualifying Civil Reasons/Events

A benefit eligible employee in pay status will be granted civil leave with pay when subpoenaed to testify in a civil or criminal trial, requested by an official of the Court to appear in a court of law, or requested to appear as the prosecuting witness in a criminal proceeding.

2. Paid Leave Provided

The benefit eligible employee in pay status shall receive civil leave with pay not to exceed regularly scheduled hours for that day, regardless of other hours worked in the week. An eligible employee will not be compensated for civil leave when required on a nonscheduled work day. An employee who serves as a witness in private litigation must use accrued leave. If leave is exhausted, the employee must use leave without pay.

An employee working or having been subpoenaed in their official capacity as an employee for Wake County shall code any time required as working time.

3. Notification of Subpoena

Upon being subpoenaed, the employee should notify their supervisor and make arrangements for the absence. The employee may need to provide a copy of the subpoena or proof of appearance to the supervisor.

4. Return to Work

Employees must return to work when released by the court. If the duty requires a partial day, the employee is expected to report to work for the remainder of the normal scheduled workday. The employee must notify the supervisor when released and must use accrued leave for any additional remaining time off.

5. Other Compensation

The employee is entitled to any compensation awarded by the court for testifying.

Law enforcement when working their official capacity testifying in an official capacity are prohibited by North Carolina General Statute 7A-314 from receiving witness fees in State Court; they are entitled to travel pay for testifying at a State Court outside the county of residence. Law Enforcement are entitled to and may receive compensation for testifying in Federal Court.

Fees received as a witness while serving in an official capacity shall be turned in to the department for which the employee works.

B. Jury Duty Leave

1. Qualifying Civil Reasons/Events

When a benefit eligible employee in pay status is summoned to serve on a jury during a regularly scheduled work day, the employee will be granted civil leave with pay.

2. Paid Leave Provided

The benefit eligible employee will receive paid civil leave for any hours regularly scheduled on that day, regardless of other hours worked in the week or pay period. The employee will not be compensated for jury duty when required to serve on any nonscheduled work day.

3. Notification of Jury Duty

Upon notification of jury duty, the employee should inform their s supervisor and make arrangements for the time off. The employee may be asked to provide a copy of the jury summons to the supervisor.

4. Return to Work

Employees granted leave for jury duty must return to work when released from jury duty. If the jury duty requires only a partial day, the employee is expected to report for work for the remainder of the day if normally scheduled to work, unless otherwise approved to uses accrued leave.

5. Other Compensation

The employee called to jury duty may keep the compensation awarded by the court for such service.

2211 Military Leave

Wake County complies with the **Uniformed Services Employment and Reemployment Rights Act (USERRA)** to support employees who are actively enrolled in the US Military Service and those enlisted with the National Guard or Armed Forces reserve. The County provides active duty leave and military training leave for benefit eligible employees.

A. Active Duty Leave

A benefits eligible employee in a regular, probationary or trainee status is eligible for active duty leave when ordered to active duty by the US Military for more than 30 days.

1. Amount of Active Duty Leave

An eligible employee will receive unpaid active duty leave for the duration of deployment, for up to five (5) years. In unique instances, an eligible employee

may receive unpaid active duty leave for more than five (5) years. When an employee will be actively deployed for more than five (5) years, the County reserves the right to separate the employee from service.

2. Receiving Pay while on Active Duty Leave

An eligible employee who is on active duty may receive compensation by using accrued leave or if eligible, receiving a pay differential. An employee cannot use paid accrued leave and receive a differential concurrently.

a. Use of Accrued Leave

An employee must use accrued annual leave, holiday leave, sick leave, or other accrued leave to remain in pay status before going on leave without pay. The employee can choose to use any portion of paid leave while on active duty leave and will be compensated as if they are employed by the County.

b. Pay Differential

When an eligible employee earns more in compensation with Wake County than the military, the employee may receive a pay differential. The pay differential is not a requirement of USERRA, but a benefit provided by the County. The differential is the difference in the County's pay for regular hours worked and the employee's compensation for hours worked in the military. The amount paid is calculated by Payroll.

To receive the differential, the employee must provide the Leave and Earnings Statement. The employee must provide each military paycheck to Human Resources in a timely manner. If the paycheck is untimely or unreasonable, the County reserves the right to deny the differential.

3. Notification of Active Duty

When an employee is called to active duty, the employee should notify his or her supervisor and the Leave Administrator with as much notice as possible. The employee should also follow departmental call-out procedures. The employee should provide a copy of his or her military orders when possible, ideally in advance, or as soon as practicable.

4. Coding Time during Active Duty

Before beginning active duty leave, the employee should notify their supervisor and Human Resources of how their time should be coded. An employee receiving a differential should be coded as military leave without pay.

5. Benefits during Active Duty

An employee on active duty leave for less than 30 days will retain all benefits, as if actively at work. Benefits for an employee on active duty for 30 or more days are outlined below.

a. Health Plan Coverage

An employee may elect to continue health insurance coverage to include medical, dental and vision coverage for up to 24 months; the coverage will be provided through the County's COBRA Administrator at 102% of the full premium. If an employee chooses not to continue coverage while on active duty, the employee can immediately reelect coverage upon returning without the traditional waiting period.

b. Supplemental Benefits

An employee's supplemental benefits to include life insurance, accidental death and dismemberment, short term disability, long term care, etc. will be terminated. The employee can immediately reelect coverage upon returning without the traditional waiting period.

c. Pension Benefits

An employee's pension with the NC Local Government Retirement System continues while on active duty leave.

Upon the employee's return, the County will pay the employer contribution for the pension as if the employee was employed, receiving regular compensation and the employee may receive the free military service credit. To receive the retirement service credit, the returning employee must furnish his military discharge form DD-214 to the North Carolina Local Governmental Employees' Retirement System within the guidelines specified by the retirement system.

d. 401k Benefits

An employee's 401K benefit continues while on active duty leave. An employee in paid status may continue employee contributions and will continue to receive employer contributions.

For those on leave without pay or receiving the differential, the County will pay the employer contribution for the employee's portion as if the employee was employed, receiving regular compensation, once returned. The employee may also make up missed contributions for the military service period; the employee may, upon reinstatement, contribute any missed contributions as if active at work. The repayment period is equal to three times the period of military leave, but no longer than five years.

e. Accruals

An employee on active duty leave will continue to earn leave accruals if he/she is in paid status. An eligible employee on leave without pay or receiving the differential will not continue to earn accruals.

6. Notice to Return to Work

An employee must return from active duty leave as provided by USERRA. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. For more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

The time period to report to work or apply for reemployment can be extended up to two years to accommodate a period in which a person was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

Upon the eligible employee's return to work, the employee should submit a copy of the military discharge form DD-214 to the Human Resources Benefits team for the employee's personnel file.

7. Returning from Active Duty

Upon returning to work, the employee will be reemployed in the job that they would have attained had the employee not been absent for military service. The employee will receive the same seniority, status and pay, as well as other rights and benefits as if they were not on active duty leave. Thus, salary increases and changes in job level will be tracked during the employee's absence so that re-entry to employment is at the appropriate level. Departments must also make reasonable efforts, through training and retraining, to enable the returning employee to refresh or upgrade their skills.

B. Military Training Leave

A benefit eligible employee in a regular or probationary status may be eligible for paid military training leave.

1. Amount of Military Training Leave

Full-time employees (scheduled for 2080 hours/year or 40 hours/week) shall earn military training leave at the rate of 96 hours per calendar year. Benefit-eligible employees with a different set of annual hours will receive military training leave in direct proportion to their annual scheduled work hours.

The military leave balance of an employee who changes annual work hours mid-year (because of a position change, schedule change, etc.) will be adjusted to reflect the proportional amount of military leave remaining, based on the employee's new schedule. The adjustment will ensure the employee receives the correct number of military leave days for the year.

2. Process to Receive Military Training Leave

To receive military training leave, the employee must provide documentation that the employee is an active member of the National Guard or Armed Forces reserve and has been ordered to report for military training. Upon receipt of

the documentation, the County will provide the paid military training hours in an amount to cover the absence, not to exceed 96 hours (or prorated equivalent) in a calendar year. The County will not prorate the amount of military training leave based on when documentation is provided in the year.

Documentation should be submitted to the Leave Administrator.

3. Process to Use Military Training Leave

To use military training leave, the employee must notify his/her supervisor and the Administrator of military training leave. The employee must follow departmental call out procedures and provide advanced notice, when possible.

The employee must continue to notify his/her supervisor and the Administrator of military training leave when the employee must miss a scheduled work day or work period, even after paid military training leave is exhausted.

The employee must provide proof of being ordered to report for military training either in advance or thereafter, so long as the documents are provided within a reasonable period of time.

4. Coding Time during Military Training Leave

An employee approved for paid military training leave should use the military training leave pay code. The employee can only use military training leave for scheduled work time missed on a scheduled work day due to being ordered to report for military training. The employee cannot use more paid military training leave than their scheduled work hours on that day and cannot use paid military training leave for more than the scheduled hours for the week.

5. Exhaustion of Military Training Leave

After paid military training leave is exhausted, an employee may use their annual leave, sick leave or leave without pay for any additional training time required that occurs during a normal scheduled work day. Training scheduled outside of the work schedule does not require the use of paid or unpaid leave.

6. Benefits during Military Training Leave

When an employee is on military training leave for less than 30 days, the employee retains all benefits and continues to earn leave accruals as if the employee had not been ordered to report for military training. If an employee exhausts military training leave and is in an unpaid status, the employee will retain health insurance but will be responsible for their contributions and will not continue to earn leave accruals.

When an employee is on military training leave for 30 or more days, the employee's benefits will apply as outlined in 2211.

7. Return from Military Training Leave

An employee must return from military training leave, upon completing military training. The employee must return at the beginning of the first regularly scheduled full work day after release from service, considering safe travel home plus an eight-hour rest period.

If injured while participating in military training activities, the employee must be cleared and provide a return to work statement before returning to work. If an employee is unable to return as expected, the employee must notify his/her supervisor and the Administrator of military leave.

2212 Worker's Compensation Leave

All County employees are covered by the North Carolina Workers' Compensation Act and are required to report injuries arising out of, and in the course of, employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once. Risk Management should be notified within a reasonable period. Responsibility for claiming compensation under the Workers' Compensation Act falls upon the injured employee, and the employee must file such claims with the North Carolina Industrial Commission within two years from date of injury.

All claims are managed in accordance with the NC Workers' Compensation statutes and the North Carolina Industrial Commission. Benefits are determined by law, as provided in General Statutes of NC, Chapter 97.

Under NC Workers' Compensation law, Wake County has the right to direct medical care for employees who suffer work related injuries or illnesses. Time spent attending medical appointments at the direction of Wake County is considered time-worked under the Fair Labor Standards Act (FLSA). After treatment from the health care provider, the employee must return the physician's work limitations or release form as indicated by the provider.

Benefits While on Workers' Compensation Leave

The employee will retain Wake County benefits. The employee will be responsible for his/her share of insurance premiums for elected coverage and will continue to accrue paid leave.

Refer to the [Worker's Compensation Procedures](#) for more information on how to report an on-the-job injury.

2213 Leave without Pay

The County recognizes that there may be circumstances where employees need to take time off from work when the employee does not have sufficient accrued paid leave. The County allows benefit eligible employees, when approved, to use leave without pay. Leave without pay may be requested when the employee has exhausted all accrued annual leave banked leave, and/or sick and other County provided leave if the absence is applicable under those policies.

A. Amount of Leave

An employee may request to use leave without pay for any portion of a day, in 5-minute increments, only when all accrued leave has been or will be exhausted.

B. Reasons for Leave without Pay

An employee may request leave without pay for:

- reasons that qualify under the FMLA, when an employee does not qualify for leave under the FMLA or when an employee has exhausted the approved leave;
- extended personal or family disability reasons;
- pre-approved time off when an employee has not earned sufficient leave to date;
- continuation of education that relates to the employee's position and/or will be beneficial for the County;
- special work that will permit the County to benefit by the experience gained or the work performed; or
- other personal reasons.

C. Process to Request a Leave of Absence

To request a leave of absence, the employee must notify their supervisor with as much notice as possible. The employee shall request such leave in writing with any supporting documentation so that the supervisor may share the request with the Department Head as appropriate. The employee may be in pay status or on leave when requesting the need for a leave of absence without pay.

The employee may only request leave without pay once the employee has exhausted all accrued annual leave and holiday leave, and/or sick and other County provided leave if the absence is applicable under those policies. Employees shall use leave without pay when receiving Worker's Compensation benefits and may request leave without pay when receiving Short Term Disability.

D. Approval of Leave

A leave without pay up to one (1) week must be pre-approved by the employee's supervisor. A leave of absence up to thirty days (30) must be pre-approved by the employee's supervisor and Department Head. Any absence exceeding thirty (30) days requires the approval of the Chief Human Resources Officer.

The leave request will be evaluated based on the nature of the position, the impact on the County and service delivery, operational requirements of the department, employee's tenure and/or employment history along with the reason and amount of leave without pay requested.

In rare instances when the pre-approved leave is now expected to cause undue hardship on the organization, the County may notify the employee that the dates of

the leave need to be changed.

E. Coding Time During Approved Leave

If the leave without pay continues for an entire pay period, the employee's supervisor will place the employee in a leave without pay status. The employee or employee's supervisor must code the leave without pay in the County's timekeeping system for all time off during the approved leave period.

F. Continuation of Benefits

Once an employee uses all accrued paid leave, other county provided leave, and is in a leave without pay status, the employee will be responsible for the following:

- Health Insurance Benefits - The employee must make arrangements with the County to continue benefits and will be responsible for the employee and employer contributions. If the employee receives leave, the employee will only be responsible for the employee contributions.
- Retirement Benefits - Retirement contributions and retirement service credit will cease to accrue during the leave without pay.
- Accrual of Leave - Annual leave and sick leave will cease to accrue during the period of leave without pay status.

G. Return to Work

The employee must return to work as scheduled after the leave without pay absence. If the employee cannot return to work as scheduled, the employee must notify the supervisor. Employees who fail to return to work after three (3) days of the expiration of an approved leave will be considered to have voluntarily resigned from the County.

Upon returning to duty after being on leave without pay, the employee may return to the same position, a comparable position within the same pay band, or a position within a lower pay band, provided the employee meets the minimum education and experience requirements of the position.

If an employee is returning from leave without pay for reasons related to the Family Medical Leave Act, the employee must return to their original position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

2214 Extraordinary Leave

Wake County does not grant, provide or award compensatory time (comp-time) to FLSA exempt or non-exempt employees. Employees subject to overtime compensation shall receive straight time pay or overtime pay for all hours worked in accordance with the FLSA and the Wake County FLSA and Payroll Policy.

For exempt employees, the County does recognize that in extraordinary circumstances exempt employees may be required to work an immense number of hours to get the job

done. In those circumstances, there are several ways a Department can recognize such extraordinary efforts.

Department Heads may allow the employee to leave work early or arrive late if it is within the same pay period that the employee worked the additional hours. For example, if the employee stayed at the board meeting until 9:00 p.m. the Department Head may allow the exempt employee to come in later the next day. When Departments choose this option for exempt employees, it should not be on an hour for hour basis as exempt employees are salaried. Another option is to award extraordinary premium pay. *See Wake County Pay and Timesheet Policy, section 7903 for specific requirements and eligibility.*

A third option to recognize extraordinary efforts of exempt employees is extraordinary leave. Extraordinary leave is a privilege extended to recognize full-time exempt employees who spend many extra hours working on behalf of the County without receiving additional salary or time off. It is not the County's intent to replace time on an hour for hour basis.

Extraordinary leave may be granted to exempt employees in hours up to a maximum of eighty (80) hours per calendar year at the discretion of the Department Head and the County Manager or his designee.

A. Eligibility

All full-time County employees who occupy positions classified as exempt (perform duties that are executive, administrative, or professional in nature) based on the Fair Labor Standards Act (FLSA) and who work beyond 50 hours in the workweek on behalf of the County for an extended period of time (typically longer than eight weeks).

B. Granting Extraordinary Leave

Extraordinary leave must be approved by the Department Head and the County Manager's Office prior to communicating it to the employee. With the approval from the County Manager's Office, a Department Head may award an employee up to eighty (80) hours per calendar year of extraordinary leave. The determination of the amount of extraordinary leave is at the sole discretion of the Department Head. The time should be awarded after extra hours have concluded or are in near conclusion, not in anticipation of.

In order for the leave to get populated in the employee leave balance, the Department Head must send written notification of the approved extraordinary leave to payroll at least one pay period prior to the employee use.

C. Responsibility

It is the responsibility of the supervisor and the Department Head to request the awarding of extraordinary leave. Department Heads should consider actual job duties when awarding extraordinary Leave.

D. Maximum Accumulation of Extraordinary Leave

Extraordinary leave may be accumulated without any applicable maximum until

January 15th of each calendar year. The maximum accumulated leave eligible for carryover for a full-time employee is forty (40) hours.

In the pay cycle ending on or before January 15th, any extraordinary leave in excess of the forty (40) hours maximum will be converted to sick leave. Once converted, this leave is considered sick leave and may be used in the same manner as accrued sick leave.

E. Use of Extraordinary Leave

Extraordinary leave may be taken for any purpose but must be requested in advance through normal leave request procedures. Extraordinary leave must be used prior to annual leave. Once approved, extraordinary leave may be recorded by keying EXOLU on the timesheet.

F. Separation from Employment

If an employee separates employment or moves into a non-benefit eligible position, any extraordinary leave in excess of the forty (40) hours maximum will be rolled into sick leave and may be used for credible years of service.

Upon retirement, any unused extraordinary leave will be rolled into sick leave and may be used for credible years of service.

2215 Emergency Banked Leave

Refer to the Wake County FLSA and Payroll Policy, section 7700 Emergency Situations for specific guidelines on working during an emergency, pay and leave eligibility.

A. Use of Emergency Banked Leave

Emergency banked leave may be taken for any purpose but must be requested in advance through normal leave request procedures. Emergency banked leave must be used prior to annual leave. Emergency Banked Leave may be used by recording EMGBU on the timesheet.

B. Maximum Accumulation of Emergency Banked Leave

Emergency banked leave may be accumulated without any applicable maximum until January 15th of each calendar year. The maximum accumulated leave eligible for carryover for a full-time employee is forty (40) hours.

In the pay cycle ending on or before January 15th, any emergency banked leave in excess of the forty (40) hours maximum will be converted to sick leave. Once converted, this leave is considered sick leave and may be used in the same manner as accrued sick leave.

C. Separation from Employment

If an employee separates employment or moves into a non-benefit eligible position,

the employee will be paid out the balance of any unused emergency banked leave up to forty (40) hours at the employee's annualized hourly rate.

An employee who owes money to the County or fails to return property to the County may have funds withheld from the emergency banked leave payout.

Upon retirement, any emergency banked leave up to the applicable maximum will be paid out. Any emergency banked leave in excess of the maximum will be rolled into sick leave and may be used for credible years of service.

In the event of a current employee death, the payment of emergency banked leave for the current employee shall be paid to "The Estate of." The payout will include all emergency banked leave, not to exceed the applicable maximum.

2216 Paid Family Illness Leave

Wake County believes that strong families benefit both the local community and the workplace. For this reason, Wake County offers the option of **Paid Family Illness Leave** to **employees** for the care of a **Family Member** as defined by County policy.

The purpose of paid family illness leave is to allow up to three (3) weeks of paid leave for regular, full-time or part-time **benefits eligible employees** of the County for a family member undergoing recovery from or treatment of a serious health condition. The **Family Medical Leave Act (FMLA)** or another **approved leave of absence** may provide leave to eligible employees but does not address the lack of income experienced by many during periods of necessary leave. Therefore, the paid family illness leave addresses the lack of income experienced by many for such qualifying events.

A. Qualifying Events and Eligibility

- 1. Qualifying Events:** A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves:
 - a.** any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
 - b.** a period of incapacity requiring absence of more than three calendar days from work, school or other regular activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
 - c.** any period of incapacity (or treatment therefore) due to chronic serious health condition; or
 - d.** a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
 - e.** any absences to receive multiple treatments (including any period of recovery therefrom by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated.

A “period of incapacity” includes work days, non-work days and scheduled off days.

- 2. Eligibility:** A regular full-time, part-time, or time-limited benefits eligible employee may request paid family illness leave, regardless of FMLA eligibility.

Temporary employees are not eligible for paid family illness leave.

B. Amount of Paid Family Illness Leave

The amount of paid family illness leave for any one employee shall not exceed three (3) weeks in a rolling twelve (12) month period, regardless of the number of qualifying events.

C. Documentation for Paid Family Illness Leave

In order to request and/or receive paid family illness leave, the employee must submit a completed Certification of Health Care Provider for Family Member’s Serious Health Condition (WH-380-F) form to the **Leave Administrator**.

D. Review for Paid Family Illness Leave

Once the supporting documentation for the leave request is received, the request will be reviewed by the Leave Administrator. If the employee is eligible for FMLA, the Leave Administrator will notify the employee, supervisor, and Human Resources of the approval to use FMLA and paid family illness leave concurrently. If the employee is not eligible for FMLA, but meets the criteria for paid family illness leave, the Leave Administrator will notify the employee, supervisor, and Human Resources of the approval to use paid family illness leave.

E. Use of Paid Family Illness Leave

Paid family illness leave can run continuously or intermittently. For example, if an employee uses only one (1) week of the three (3) weeks allowed for one (1) qualifying event, he or she would be eligible to use the remaining two (2) weeks for the same qualifying event or an additional qualifying event within the twelve (12) months following the event. Under no circumstances shall an employee exceed three (3) weeks in a rolling twelve (12) month period.

If the request for leave is to be intermittent, the leave schedule must be approved by the supervisor in advance.

F. Benefits, Leave and Pay during Paid Family Illness Leave

The following outlines employee benefits while on paid family illness leave:

- *Health, Dental & Vision Insurance:* The County will continue to make contributions on behalf of the employee previously enrolled in a health plan with the County. The employee and his/her dependents will continue to be covered as long as the employee pays for any required contributions. During

paid family illness leave, all contributions will continue to be deducted from the employee's paycheck. If on a non-FMLA leave without pay, the employee will be offered coverage continuation under COBRA.

- *Retirement Benefits:* Retirement contributions and retirement service credit will continue to accrue during the paid family illness leave period.
- *Accrual of Leave:* Annual leave and sick leave will continue to accrue during the period of paid family illness leave.

Coding Time during leave

The employee or employee's supervisor must code approved paid family illness leave in the County's timekeeping system for all time off during the paid family illness leave period.

Concurrent Leave

When an employee requests paid family illness leave and the event qualifies for FMLA, paid family illness leave shall run concurrently with FMLA.

G. Return from Paid Family Illness Leave

An employee returning from paid family illness leave that ran concurrent with FMLA leave must be reinstated to their previous position in accordance with Wake County FMLA policy, Section 2205. Employees who fail to return to work after three (3) days of the expiration of an approved leave will be considered to have voluntarily resigned from the County.

H. Exhaustion of Paid Family Illness Leave

After paid family illness leave has been exhausted, an employee will be required to use any available accrued paid leave, in accordance with the Wake County leave policy, before requesting the use of leave without pay.

I. State-Specific Family Illness Leave

For remote employees who reside and work outside of the state of North Carolina, the County will comply, when required, with the paid family and medical leave laws of the state in which the remote employee resides and works.

2217 Wellness Leave

Wake County supports the mental health and wellbeing of its employees. Wellness Leave provides employees paid wellness leave to destigmatize finding support for mental health concerns and aims to increase workforce productivity by allowing employees to rejuvenate and renew to bring enhanced creativity and focus to their roles.

A. Amount of Wellness Leave

A benefit eligible employee shall earn wellness leave at the rate of two workdays per calendar year. Wellness leave will be replenished at the beginning of each calendar year and may be used throughout the year. Wellness leave does not accumulate and will not be carried forward from year to year.

B. Use of Wellness Leave

Wellness leave must be taken in whole workday increments. It may be used for the mental health and wellness needs of the employee or the employee's family member, including:

- Stress reduction
- Anxiety and depression
- Mental health provider visits
- Addressing other mental health and wellness concerns

Wellness leave may not be used to extend other types of absences, such as a vacation. Wellness leave is not eligible for donation under the Shared Leave policy.

C. Process to Request Wellness Leave

Notification of the need to take wellness leave should be submitted to the employee's supervisor prior to use of the leave. An employee should provide as much advance notice as possible to allow the supervisor sufficient time to consider the County's operational and service needs and arrange for coverage during the employee's absence. An employee should provide as much notice as possible of the need to use wellness leave, but no later than the start of the workday.

D. Exhaustion of Wellness Leave

After wellness leave has been exhausted, the employee may request to use sick, annual, banked holiday, or leave without pay for additional mental health and wellness needs. The employee's request shall be subject to the respective leave policy.

E. Separation from Service

Wellness leave is not paid out upon separation from employment with Wake County.

F. Reinstatement of Wellness Leave

A reinstated employee who separates from service and who is reinstated within the same calendar year shall be credited with the employee's previous wellness leave balance.

III. Definitions

Approved Leave of Absence - A pre-approved, extended period of absence which may be paid or unpaid.

Benefit Eligible Employee - An employee in a full-time (40 hours or more per week) or part-time (20-39 hours per week) status who is eligible for coverage in County benefit programs in addition to legally mandated benefits. A benefit eligible employee includes regular, probationary, and time-limited employees.

Caregiver Leave - The next of kin is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: (1) blood relatives who have been granted legal custody of the service member by court

decree or statutory provisions, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins. When a covered service member does not make such a designation, and there are multiple family members with the same level or relationship to the covered service member, all such family members shall be considered the covered service member's next of kin. If the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Caregiver Leave, that family member will be deemed next of kin and may take FMLA leave.

Child - A biological, adopted or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is under age eighteen (18).

County Observed Holiday - The thirteen (13) days designated by the Board of Commissioners as observed holidays.

Family Medical Leave Act (FMLA) - The FMLA of 1993, as amended, allows eligible employees to take job-protected, unpaid leave for up to a total of 12 workweeks in a 12-month period for FMLA qualifying reasons. FMLA qualifying reasons include the birth of a child, care for the newborn child and/or placement of a child with the employee for adoption or foster care; for the employee's own serious health condition; to care for the employee's spouse, child or parent who has a serious health condition; a qualifying exigency arising out of the employee's spouse, child or parent or to care for the employee's spouse, child, parent, or next of kin (nearest blood relative) who has incurred an injury or illness in the line of duty while on active duty.

Family Member - Family member shall be defined as spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named. For the purpose of this leave policy, the definition of spouse includes domestic partner. Domestic partnership is defined as a committed relationship between two adults, of the opposite sex or same sex, in which the partners—

- (1) are each other's sole domestic partner and intend to remain so indefinitely;
- (2) maintain a common residence, and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle);
- (3) are at least 18 years of age and mentally competent to consent to a contract;
- (4) share responsibility for a significant measure of each other's financial obligations;
- (5) are not married or joined in a civil union to anyone else;
- (6) are not a domestic partner of anyone else; and
- (7) are not related in a way that would prohibit legal marriage in the U.S. jurisdiction in which the partnership was formed.

In Pay Status - When an employee's regular wages, including benefit leave pay, is greater than zero.

Leave Administrator - The County partners with Aflac to administer FMLA, Paid Parental Leave, Paid Family Illness Leave in accordance with FMLA rules and regulations and County

policy. The County also partners with Aflac to administer military leave in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees may contact Aflac to initiate a leave request at 1-800-206-8845 or <https://mygrouplifedisability.aflac.com>.

Non-benefited Employee - An employee in a temporary or seasonal position who is not eligible for coverage in County benefit programs.

Paid Family Illness Leave – The period of time in which a benefit eligible employee may receive up to three (3) weeks of paid leave to care for a family member (spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named) with a serious health condition.

Paid Parental Leave - The period of time in which a benefit eligible employee may receive up to eight (8) weeks of paid leave for parental care of a newborn, a child placed for adoption, foster care, or guardianship within one year of the qualifying life event.

Parent - Any of the following: (1) the biological parent of a child; (2) a person who has legal custody of a child; or (3) a person who assumes day-to-day responsibilities to care for or financially support a child regardless of whether he or she has been appointed legal guardian.

Qualifying Exigency - Any qualifying exigency arising from the fact that the employee's spouse, child, or parent (in-laws not included) is on, or has been notified of an upcoming call to active duty status in the National Guard or Reserves (or as retired member of the regular Armed Forces or Reserves) in support of a contingency operation ("Active Duty Leave"), such as: short notice deployment; attendance at certain military programs related to active duty assignment; change in childcare obligations due to active duty assignment; attendance at counseling sessions that are needed as a result of active duty assignment; short-term temporary rest and recuperation leave of a covered service member during a time of deployment; or attendance at certain other post-deployment activities.

Rehired - Previous County employee returning after one (1) year from the date of separation.

Reinstated - Previous County employee returning within one (1) year from the date of separation.

Supporting Documentation - The documentation required to request and/or receive paid parental leave, as outlined in this policy.

The County (County) - The County as referenced throughout this policy is Wake County Government.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) - The Uniformed Services Employment and Reemployment Rights Act of 1994 is a Federal law

that establishes rights and responsibilities for uniformed Service members and their civilian employers.

IV. Applicability

This policy applies to all full-time, part-time, and time-limited benefits eligible employees who are in a regular, probationary or trainee status. Non-benefited employees, who include temporary or seasonal employees, are not eligible for the benefits outlined in this policy, unless otherwise noted.

V. Policy Responsibility and Management

Employee Responsibility

- The employee is responsible for requesting leave in accordance with County policy.
- The employee is responsible for complying with any/all notifications as outlined in this policy to include returning required paperwork.
- The employee is responsible for notifying his/her supervisor and when appropriate, the Leave Administrator for a change in approved leave.
- The employee is responsible for coding his/her timesheet or notifying of how time should be coded while on leave.
- The employee is responsible for communicating any changes to benefits and/or the return to work status.

Supervisor Responsibility

- The supervisor must help communicate County policies and procedures.
- The supervisor must consistently review requests for leave and ensure approval of such leave is done so equitably.
- The supervisor must review an employee's timesheet to ensure the accurate coding of time worked and/or absences from work.

Human Resources Responsibility

- The Benefits Division is responsible for the administration of the leave policy.
- The Human Resources Department is responsible for administrative management of Wake County Benefits and Wellness.
- The Human Resources Department communicates changes or updates in Benefits and Wellness to all department supervisors and employees.
- The Human Resources Department communicates this policy through e-mail messages, the County's intranet website and other electronic means; when requested a paper copy will be provided to the employee.
- For questions regarding Wake County's Leave policy, please contact HR Connect at HRConnect@wakegov.com or 919-856-6090.

Leave Administrator

- The Leave Administrator is responsible for notifying the County of any Family Medical Leave, Paid Parental Leave, Paid Family Illness Leave, or Military Leave requests and providing an update on the status of such leave.
- The Leave Administrator is responsible for communicating with the employee, supervisor, and Human Resources if there are any changes requested for the leave or while on leave.
- The Leave Administrator is responsible for ensuring compliance and adherence with all leave regulations.
- Employees may contact the Leave Administrator, Aflac, to initiate a leave case at 1-800-206-8845 or <https://mygrouplifedisability.aflac.com>.

VI. Related Policies, Procedures and Publications

Human Resources Policy Manual

1700 Wake County Americans with Disability (ADA) Policy

2100 Culture of Health & Well-Being Policy

2300 Insurance Benefit Policy

2400 Retirement Policy

2600 Tuition Reimbursement Policy

2700 Other Benefits Policy

7000 FLSA and Payroll Policy

8100 Separation from Employment

Sheriff's Office Paid Parental Leave Policy

Worker's Compensation Procedures

VII. Appendices

[Appendix 2200-A: Community Involvement Leave FAQs](#)

[Appendix 2200-B: FMLA Flow Chart](#)

[Appendix 2200-C: Overview of FMLA Correspondence](#)

[Appendix 2200-D: Instructions on Absence Management Portal](#)

[Appendix 2200-E: Return to Work Authorization Form](#)

[Appendix 2200-F: FMLA/Leave Employee Checklist](#)

[Appendix 2200-G: FMLA/Leave Supervisor Checklist](#)

[Appendix 2200-H: Shared Leave Recipient](#)

[Appendix 2200-I: Shared Leave Donation Form](#)

[Appendix 2200-J: Additional Sick Leave FAQs](#)

VIII. History

Effective Date	Version	Section(s) Revised	Author
5/8/2024	2200	2205, 2212	Human Resources
4/19/2024	2200	2203	Human Resources
2/14/2024	2200	2201, 2202	Human Resources
12/1/2023	2200	2202	Human Resources
1/1/2023	2200	2217	Human Resources

6/17/2022	2200	III Definitions	Human Resources
1/1/2022	2200	2200	Human Resources
11/15/2021	2200	2200	Human Resources
8/6/2021	2200	II Policy	Human Resources
3/1/2021	2200	2205	Human Resources
1/1/2021	2200	2203	Human Resources
8/17/2020	2200	2204	Human Resources
1/21/2020	2200	2206, 2215, 2216	Human Resources
11/1/2019	2200	2201, 2203, 2206, 2208, 2211, 2214, 2215	Human Resources
1/1/2018	2200	502, 503, 504, 507, 508, 509, 510, 511, 512	Human Resources
No date	507	Shared Leave Program – Superseded by 2208 Shared Leave	Human Resources
10/22/2014	510	Community Involvement Leave – Superseded by 2204	Human Resources
1/2/2008	504	Sick Leave and FMLA – Superseded by 2202 Sick Leave	Human Resources
7/16/2002	512	Military Leave – Superseded by 2211	Human Resources
7/16/2002	506	Workers Compensation – Superseded by 2212	Human Resources
8/1/1997	502	Holidays – Superseded by 2203 Holiday Leave	Human Resources
8/16/1993	503	Annual Leave – Superseded by 2201 Annual Leave	Human Resources
8/16/1993	508	Leave Without Pay – Superseded by 2213	Human Resources
8/16/1993	509	Administrative Leave – Superseded by 2209	Human Resources
8/16/1993	511	Civil Leave – Superseded by 2210	Human Resources