

EMPLOYEE LEAVE

Sick Leave

The County follows Montana law on the qualification, accrual, and use of sick leave. Sick leave is an authorized paid leave of absence from work when an eligible employee or qualifying family member is sick or requires care. Accumulated sick leave credits are a valuable resource that maintains an employee's income during a period of personal illness or family emergency.

A. Qualification and Calculation

Employees are not entitled to use paid sick leave until they have been continuously employed for 90 days. Permanent, temporary, and seasonal full-time employees earn sick leave credits from the first full day of employment at the rate of one working day per month without restriction as to the number of working days which may be accumulated. The provisions of MCA 2-18-618 govern sick leave for County employees. Short-term workers do not earn sick leave credits.

An employee must request to use sick leave by first informing their supervisor of the need and then completing a sick leave request form.

For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. Prorated sick leave credits are calculated by multiplying .0462 by the number of hours worked, excluding overtime. Employees may receive cash compensation (at 25% of the available balance) for sick leave credits upon termination of their employment.

B. Leave Without Pay, Holiday, or Vacation Stipulations

Employees do not accrue sick leave credits during a leave of absence without pay. Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day. With the department head's approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave. Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.

C. Payment Upon Termination

Upon termination, an employee who has worked the qualifying period shall be entitled to a lump sum payment in an amount equal to one-fourth (25%) of the amount attributed to accumulated sick leave. The pay attributed to the accumulated sick leave must be computed on the basis of the employee's salary or wage at the time the employee terminates employment with the County.

D. Use of Sick Leave Pay

Sick leave pay is granted for:

- time off when an employee is unable to perform job duties because of physical or mental illness, injury or disability;

- maternity or pregnancy-related disability or treatment, including prenatal care, birth, or other medical care for either employee or child;
- parental leave as provided in MCA 2-18-606;
- quarantine resulting from exposure to contagious disease;
- consultation, examination, or treatment by a licensed health care provider;
- short-term attendance to an immediate family member or, at an agency's discretion, another relative because of physical or mental illness, injury, disability, or examination or treatment until other care can reasonably be obtained;
- necessary care of a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; and
- death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

E. Reporting

Absences which will necessitate use of sick leave shall be reported by the employee to the supervisor or department head as soon as it is practical. Failure to report such leave within two hours of the employee's regularly scheduled reporting time may be considered absence without approved leave. Absences are grounds for disciplinary action.

F. Abuse

Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. Sick leave abuse occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence to sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage over a period of time. The employee's supervisor may require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave.

Medical Exam

The employer may require a medical exam when an employee is returning to duty following an illness or absence due to injury and the County has a reasonable belief, based on objective evidence, that the employee's ability to perform the job is impaired by a medical condition or that the employee will pose a direct threat to self or others.

Relevant Information: MCA 2-18-618 and 2-18-1311

Sick Leave Donations

Employee requests for direct donations will be approved by the Department Head and will be sent out County-wide through the Clerk & Recorder's Office. Prior to any transfer of sick leave hours, any employee wishing to make a voluntary, direct donation will complete and sign the form (from the Clerk &

Recorder's Office); form will be as prescribed by the Granite County Commissioners (form may be amended at the discretion of the Board of County Commissioners).

A. Eligibility to Make a Direct Grant

1. To be eligible to make a direct grant of sick leave, an employee shall have completed the 90-day qualifying period to take sick leave [MCA 2-18-618(1)] and shall have a minimum balance of 40 hours of accrued sick leave credited to the employee's account. The minimum balance for a part-time employee shall be prorated.
2. An employee may directly grant a maximum of 40 hours of accrued personal sick leave in a calendar year. The employee may not reduce their leave balance below 40 hours by making direct grants.
3. An employee may make a direct grant of sick leave to an eligible employee in any County department.

E. Eligibility to Receive Direct Grants

1. An employee may receive no more than a maximum of 160 hours of sick leave in any continuous 12-month period in direct grants. Leave granted to a part-time employee shall be prorated. The maximum allowable benefit in any 12-month period from either direct grant or grants from the Sick Leave Fund is 160 hours.
2. The 12-month period is calculated from the first day the employee takes sick leave which is a direct grant or a grant from the Sick Leave Fund.
3. No employee is eligible to receive direct grants of sick leave without the approval of the department head or designee; and may only do so after exhausting all personally accrued sick leave, annual leave, and all other accrued paid leave, and compensatory time.
4. If an employee is incapacitated and unable to apply for leave of absence or direct grants, another person may do so on behalf of the employee.

Relevant Information: MCA 2-18-618(10) and 2-18-1311

Annual Leave

Annual vacation leave or annual leave is an authorized paid absence from work. Permanent, seasonal, and temporary employees are eligible to earn annual leave. An employee begins earning annual leave on the first day of employment, and must complete six calendar months (180 days) of continuous employment to use annual leave or to cash it out upon termination.

A. Procedures for Calculating Annual Leave, Accumulating Credits, Scheduling, and Termination

Annual leave is calculated and credited each pay period based on years of service with any state agency or political subdivision as illustrated in the chart below, and an employee can use it only after earning it. If an employee is part-time, he/she earns annual leave on a prorated basis (for example, if an employee

works 20 hours per week, or half-time, he/she will earn leave at half of the full-time rate). An employee does not accrue leave for hours in an unpaid status or based on hours in an overtime status.

Rate Earned Schedule	
Years of Employment*	Working Days Credit Per Year
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years or more	24

*Years of service need not be consecutive, and prior public or military service may apply.

An employee must request to schedule annual leave. (County: insert the process you wish to use.) Approval or denial of leave is based on the department's and employee's interests, and management reserves the right to deny requests. The total number of annual leave hours approved may not exceed the number of hours in a regular workweek.

An employee may accumulate an annual leave balance of up to two times the eligible accrual rate per year. Balances exceeding this limit are "excess." Except as provided in this policy, excess annual vacation leave may be forfeited unless used within 90 calendar days from the last day of the calendar year in which the excess leave was earned.

Department heads are responsible for actively managing annual vacation leave for employees by providing reasonable opportunity for an employee to use rather than forfeit accumulated annual vacation leave as provided in MCA 2-18-617. To avoid forfeiture of annual leave, management is encouraged to work with employees who have excess vacation leave balances as early as possible in the 90-day grace period or at an earlier time if the employee's leave balance is projected to exceed two times the annual vacation accrual rate.

Employees are responsible for making a reasonable written request to use excess annual leave during the 90-day grace period. Agency management may approve all, some, or none of the employee's request by written response. If the original request is not approved, management and the employee may negotiate alternate leave dates during the 90-day grace period. If management denies all or any portion of the written request, management and the employee must work together to ensure that the employee may use the excess annual leave before the end of the calendar year. Any excess annual leave not used by the end of the calendar year in which the grace period was extended must be forfeited.

If an employee terminates employment after the eligibility period, he/she can receive cash compensation at the regular rate, or can transfer or donate unused annual leave balance, unless the termination was for a reason reflecting discredit on the employee.

B. Permanent Full-time Employees

Permanent full-time employees earn annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six qualifying months.

C. Permanent Part-time Employees

Permanent part-time employees earn prorated annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six qualifying months. Prorated annual vacation leave credits are calculated using the following schedule multiplied by the hours in pay status in the pay period. Prorated annual vacation leave credits are to be reported by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

Rate Earned Schedule	
Years of Employment	Hours in the Pay Status in the Pay Period
1 day through 10 years	.0577 x # of hours
10 years through 15 years	.0692 x # of hours
15 years through 20 years	.0808 x # of hours
20 years or more	.0923 x # of hours

D. Temporary Full-time Employees

Temporary full-time employees earn the same annual vacation leave credits as permanent full-time employees but may not use the credits until after working for 6 qualifying months.

E. Temporary Part-time Employees

Temporary part-time employees earn the same prorated annual vacation leave credits as permanent part-time employees, but may not use the credits until after working for 6 qualifying months.

F. Seasonal Full-time Employees

Seasonal full-time employees earn the same annual vacation leave benefits as permanent full-time employees, but may not use the credits until after working for 6 qualifying months. In order to qualify, they must be recalled and immediately report back for work when operations resume in order to avoid a break in service.

G. Seasonal Part-time Employees

Seasonal part-time employees earn the same annual vacation leave benefits as permanent part-time employees, but may not use the credits until after working for 6 qualifying months. In order to qualify, they must be recalled and immediately report back to work when operations resume.

H. Short-term Employees

Short-term workers do not receive annual vacation leave credits.

Holidays

A. Eligibility and Holiday Benefits Calculations

Holiday leave is a paid absence from work provided to eligible full-time permanent, part-time permanent, seasonal, and temporary employees on legal state holidays.

B. Holiday Falling on Employee's Day Off:

A full-time employee who is scheduled for a day off on a day that is observed as a legal holiday, except Sundays, is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday in the same pay period, or as scheduled by the employee and the employee's supervisor. If the observed holiday falls on a regularly scheduled day off, except Sunday, the employee is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday, whichever allows a day off in addition to the employee's regularly scheduled days off.

An employee shall not be eligible to receive holiday benefits if:

- the employee is a new employee to County government and begins work on the day after a holiday is observed; or
- the employee is reinstated or reemployed following a reduction in force, returns to work following a leave of absence without pay of more than one pay period or a disciplinary suspension, or is called back to seasonal or temporary employment on the day after a holiday is observed.

C. The County Observes the Following Holidays:

- New Year's Day, January 1
- Martin Luther King Day, the third Monday in January
- Lincoln's and Washington's Birthday, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veteran's Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25
- State General Election Day, on even numbered years

D. Holidays Falling on Weekends

If any holiday falls upon a Sunday, the Monday following is a holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday, except as provided for in the next paragraph.

E. Part-time Benefits

Part-time employees receive holiday benefits on a prorated basis (MCA 2-18-603).

Holiday benefits are based on an average of the part-time permanent employee's regularly scheduled work hours. To find the average, the number of hours regularly scheduled to work in a pay period in which the holiday falls shall be divided by the number of working days in a pay period. Holiday benefits shall not exceed eight hours (unless a collective bargaining agreement applies).

If the pay period in which the holiday falls is not characteristic of the employee's regular schedule, the County has the discretion to approximate the employee's schedule for purposes of determining holiday benefits.

If a part-time employee usually receives the holiday off but the County requires a part-time employee to work on the day a holiday is observed, the employee shall be compensated for all hours actually worked on a holiday and holiday benefits as provided in the next paragraph.

F. Pay for Work Performed on a Holiday

The County elects to provide additional "premium pay" for work performed on the day a holiday is observed.

A permanent, temporary, or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight hours of holiday benefits. The employee usually receives the holiday off. However, the County reserves the right to require an employee to work on the day a holiday is observed.

A full-time employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed shall be paid for all hours actually worked at regular rate x 1.5. In addition, under the benefit provided for in this policy, the employee shall receive either a paid day off at the regular rate at a later date (banked holiday).

If an employee does not work a regular schedule and is called in to work on the holiday, the employee shall receive pay at the at regular rate x 1.5 for every hour worked on the holiday. An employee who is exempt from the FLSA and who receives approval to work on the holiday may receive paid time off equivalent to the number of hours worked (banked hours).

In the case of both non-exempt and exempt employees, when they request to use banked time but the interest of the County requires the employee's attendance, the County's interest overrides that of the employee.

Time Sheets and Preparation of Payroll

In order to prepare County payrolls, it is the policy of the County to have employees prepare and complete time sheets according to established guidelines. The time record will include:

- Employee name
- Department

- Pay period
- Hours to be compensated, broken down on a daily basis into hours worked
- Holiday time
- Sick leave
- Compensatory time
- Vacation
- Leave without pay or other designated leave (e.g., FMLA, etc.)
- Employee signature
- Supervisor's signature

Department Heads are responsible for reviewing and signing off on time sheets for their designated employees. Once time-sheets are signed off on by a Department Head all regularly scheduled work hours including use of vacation and sick leave are authorized and will be processed by the Payroll Department.

Payroll may be distributed by direct deposit with proper authorization from the employee. Paychecks will be distributed to the employee's department head unless other arrangements have been preapproved. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee. When an employee is terminated or laid off, the County may pay the employee's final wages on the next regularly occurring pay day for the pay period that includes the last day the employee worked, or within 15 calendar days, whichever occurs first.

Adopted this _____ day of July, 2024

Board of Granite County Commissioners

Chairperson, Blanche McLure

Commissioner, Charles L. Hinkle

Commissioner, Scott Adler

Attest:

_____, Sarah Graham, Granite County Clerk & Recorder

Employee's signature above

Employee's Printed Name: _____