

Minutes of the Marshall County Personnel Board
Public Hearing for Modifications to the Employee Handbook
Tuesday, May 19th, 2020

A meeting of the Marshall County Personnel Board was held on Tuesday, May 19, 2020 at 4:30 p.m. in the Commission Chambers of the Marshall County Courthouse in Guntersville, Alabama. The purpose of the meeting was to hold a public hearing to discuss proposed amendments to the Personnel Policies, Sick Leave, Use of Sick Leave, Use of Annual Leave, Family & Medical Leave Act – Addendum, and Compensatory Time.

The following Board members were present:

Charles Whisenant, Chairman
Ben Gamel, Vice Chairman
Penni Windsor, Secretary
David Watts, Board Member

Martha Handschumacher, Board Member

Also present were Board Attorney Jeffrey McLaughlin, Personnel Administrator Christy Kelley, and Personnel Assistant Janice Payne.


Chairman Whisenant announced that the purpose of the public hearing being held by the Marshall County Personnel Board was to discuss proposed policy changes regarding discuss amendments to the Personnel Policies, Section 11.6 - Sick Leave, Section 11.6.4 - Use of Sick Leave, Section 11.5.4 Use of Annual Leave, Section 11.9.1 - Family & Medical Leave Act – Addendum, and Section 11.2.3.1 - Compensatory Time in the Personnel Policies and Procedures.

A copy of the proposed change is attached.

Chairman Whisenant called the public hearing to order at 4:30 p.m. He asked if there was anyone present who wished to speak concerning the proposed change.

Personnel Administrator Christy Kelley reviewed the proposed changes. Commissioner David Kelley discussed recent changes to the Emergency (Call Out) Duty pay.

Chairman Whisenant closed the public hearing.



Penni Windsor, Secretary
Marshall County Personnel Board
Meeting Date: May 19, 2020



Date

Proposed Changes: May 19, 2020

11.2.3.1 Compensatory Time. Non-exempt employees may earn compensatory time in lieu of overtime pay in accordance with the provisions of the FLSA. Compensatory time will be computed at one and one-half (1½) times the overtime hours worked. An employee who earns compensatory time will be allowed to use such time off within a reasonable period of time after making the request, if such use does not unduly disrupt work activity; however, in any event, an employee shall use any accumulated compensatory time within ninety (90) days from the date it is earned. If an employee is not able to take leave within the specified time, the employee shall be paid for the compensatory time at the overtime rate of pay for the hours worked. Employees who have accumulated compensatory time must use the compensatory time prior to using accrued annual leave. Compensatory time is intended to be a substitute for time taken off during a pay period. Compensatory time may not be used to create overtime in the pay period it is taken.

11.5 ANNUAL LEAVE.

All classified employees will earn annual leave with pay in accordance with these guidelines. New hire probationary employees shall accrue but are not eligible to use annual leave until they have successfully completed their probationary period. Employees that do not successfully complete probation shall not be paid for any annual leave accrued at separation.

11.5.1. Leave Year. The leave year shall be based on the calendar year.

11.5.2. Accrual of Annual Leave. All full-time classified employees will earn annual leave according to the schedule below:

Completed Years of Continued Service	Annual Accumulation
0 – but less than 4 years	80.08 hours
4 – but less than 9 years	104.00 hours
9 – but less than 14 years	128.18 hours
14 – but less than 19 years	152.10 hours
19 – but less than 24 years	176.02 hours
24 years or more	208.00 hours

11.5.3. Proration of Annual Leave Credit. Annual leave credits will be earned by an eligible employee for each pay period in which he/she is eligible to earn annual leave. However, an employee will not earn annual leave credits for any pay period in which he/she is a non-pay status for more than half of their normal work schedule.

Part-time classified employees do not earn annual leave.

11.5.4. Use of Annual Leave. Annual leave is considered to be a benefit to an employee and he/she is expected to take the earned leave each year. Employees may accumulate and carry over an amount equal to three hundred (300) hours of annual leave, **any additional unused annual leave will be forfeited.** The use of annual leave will be approved

at the discretion of the employee's appointing authority, in accordance with guidelines to be established by the board. Annual leave will be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in an absence being treated as unauthorized leave. An appointing authority may require all employees in his/her department to take their leave at the same time if he/she feels it is in the best interest of the department to do so. ~~An employee will be paid annual leave in the amount to bring the employee up to, or no more than, a forty (40) hour week, or his or her regularly scheduled pay period.~~ Annual leave hours will not be considered as time worked for the purpose of calculating overtime pay.

11.6 SICK LEAVE.

Sick leave is a benefit provided to classified employees. It is provided to ensure that eligible employees who are unable to work due to illness or injury do not feel compelled to do so for financial reasons. ~~The intent of sick leave is to provide paid time off to an eligible employee who is ill, or caring for an immediate family member who is ill. An employee will be paid sick leave in the amount to bring the employee up to, or no more than, a forty (40) hour week, or his or her regularly scheduled work week or pay period.~~ Sick leave hours will not be considered as time worked for the purpose of calculating overtime pay. Probationary employees shall earn sick leave as specified in Article 11.6.1 and will be eligible to use sick leave after it has been accumulated. Usage of sick leave is governed by Article 11.6.4 based on calendar year

11.6.2. Non-Pay Status. Employees will not earn sick leave credits for any pay period in which they are in a non-pay status for more than half of their normal work schedule.

11.6.4. Use of Sick Leave. Sick leave with pay will be granted to an eligible employee for any of the following types of reasons:

- (a) When an employee is unable to work due to personal illness, injury incurred off-duty, or when the employee's presence may endanger the health of fellow workers; or
- (b) Keeping a doctor, dentist, chiropractor or optometrist appointment; or
- (c) Any impairment related to pregnancy and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
- (d) The serious illness of a spouse, child (including any ~~step child, foster child, or child for which employee is~~ the custodian and/or guardian), grandchild, or parent, or ~~any other person living in employee's home for which employee is the custodian~~ and/or guardian, requiring the care of the employee.

11.6.5. General Requirements for Use. To be granted sick leave, an employee should notify his/her supervisor before the normal workdays begins, or as soon as possible thereafter, of his/her inability to report to work. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee being charged with annual leave, or placed in some non-pay status, at the discretion of his/her supervisor.

11.6.6. Requirements for Extended Use. For a period of absence of three (3) or more consecutive working days, or anytime at the request of the appointing authority or supervisor, the employee may be required to submit a medical report signed by a licensed physician stating that he/she has been incapacitated for work for the period of absence and when it is anticipated that the employee will again be physically able to perform work duties. The appointing authority may require an employee to undergo an examination and obtain a second opinion by a county designated physician. An employee, returning to work after a sickness or injury, may also be required to undergo a medical examination to determine whether or not the employee is able to return to work. Such examination, when required, will be paid by the county and will be conducted by a physician or physicians as designated by the personnel board.

If an employee is out on sick leave for three (3) or more consecutive working days and qualifies for protection under the Family and Medical Leave Act (FMLA), the supervisor is responsible for notifying the Personnel office.

FAMILY & MEDICAL LEAVE ACT - ADDENDUM

11.9.1.3 PROCEDURES/RULES

A. Identifying the 12-Month FMLA Leave Period

The 12-month period is calculated by the “rolling” backward method. This means that the 12-month period is determined by calculating backward from the date the employee initially begins FMLA leave.

B. Using Leave

FMLA leave may be taken in a single block of time. Intermittent leave (in separate blocks of time) or leave by reducing the normal work schedule by increments (of less than one hour [as used by the County Administrator in calculating all types of leave], or by one or more hours) may be allowed if such leave is medically necessary for the serious health condition of the employee or family member, or in the case of a covered servicemember, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. With prior approval, intermittent leave is permitted but must be concluded within 12 months of the birth or placement of a child, to care for newly-born child, or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the County’s operations. 29 U.S.C. 2601 §102 (b).

C. Use of Accrued Paid Leave

An eligible employee may ~~choose to substitute~~ **run** any accrued paid sick or annual leave of the employee ~~for~~ **concurrently with** FMLA leave for any part of the 12-week period of such leave. The employee, however, is not required to do so.

If an employee does not elect to ~~substitute accrued~~ **run** paid **sick or annual** leave **concurrent with FMLA leave, if an employee exhausts his or her accrued paid leave,** or if the employee does not have leave with pay accrued, the employee will be placed in a leave without pay status for the FMLA leave (in whole or in part, as the case may be). While the employee is in a paid leave status, he/she will receive regular pay and benefits associated with such leave. 29 U.S.C. 2601 §102 (d)(2).

Some examples of this policy, for illustrative purposes only, are as follows:

Example A- Employee (with 3 weeks of sick leave and 2 weeks of paid annual leave accrued) requests leave which qualifies for FMLA leave. Employee can first take 12 weeks of unpaid leave. After the 12 weeks is over, the employee can then take 5 paid weeks off by using their sick leave and paid vacation. The employee is out of work a total of 17 weeks, 12 being unpaid and 5 paid.

Example B- Employee (with 3 weeks of sick leave and 2 weeks of paid annual leave accrued) requests leave which qualifies for FMLA leave. The employee requests to ~~substitute~~ **take** 2 weeks of paid sick leave ~~for~~ **concurrently with the first** 2 weeks of FMLA leave. This would mean that the first 2 of the 12 weeks are paid, and the remaining 10 weeks remain unpaid. After the 12 weeks has run, the employee can then take the remaining week of sick leave and 2 weeks of paid vacation. The employee is out of work a total of 15 weeks, 10 being unpaid and 5 paid.

Example C- Employee (with 3 weeks of sick leave and 2 weeks of paid annual leave accrued) requests leave which qualifies for FMLA leave. The employee requests to take all 5 weeks of paid ~~sick~~ leave **concurrently with** the FMLA leave. This would mean that the first 5 of the 12 weeks are paid, and the remaining 7 weeks remain unpaid. The employee will be out of work a total of 12 weeks, 7 being unpaid and 5 paid.