

Board of County Commissioners

Escambia County, Florida

Title: Paid Time Off (PTO) Policy – Section II; C. 33
Date Adopted: June 1, 2006
Effective Date: October 1, 2009, as amended September 17, 2009
Reference:
Policy Amended: September 17, 2009

A. Purpose and Accumulation of Paid Time Off (PTO)

The purpose of PTO is to establish a leave program that allows eligible BCC employees in the unclassified service to be paid for time off for any purpose deemed necessary. PTO must be requested by the employee and approved by the supervisor before the leave can be taken.

PTO shall not be credited in advance. Accrual of PTO begins on the date of regular employment and ends with the date of separation. PTO accrual for fractions of a month shall be prorated based on hours credited in a pay status. For the purpose of computing PTO taken, only normal working days are to be counted as leave.

PTO shall be earned based on the following schedule:

Beginning date through the end of the 1 st year	12 hours per month
Beginning 2 nd year through end of 5 th year	14 hours per month
Beginning 6 th year through end of 10 th year	16 hours per month
Beginning 11 th year through end of 15 th year	18 hours per month
Beginning 16 th year through end of 20 th year	20 hours per month
Beginning 21 st year through end of 25 th year	22 hours per month
Beginning 26 th year through end of employment	24 hours per month

B. Eligibility

All regular or term, full-time unclassified employees of the BCC are eligible to earn PTO. All regular, part-time unclassified employees who work a regularly established schedule of twenty (20) hours or more per week shall earn PTO leave on a pro rata basis.

C. Restrictions on Accumulation of PTO and ELB Leave

An employee shall not earn PTO leave during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status.

Earned PTO may not exceed 500 hours. Accrued PTO in excess of 500 hours shall be applied to an Extended Leave Bank (ELB). When extreme operational matters and/or emergencies occur and the employee had requested PTO leave, in writing, and the PTO leave had been approved, an extension may be granted to use the PTO leave at a later time. The request for the extension, with supporting documentation, must be submitted through the Human Resources Manager to the County Administrator for consideration and approval. Employees who are granted this extension shall have ninety (90) days from the date of approval by the County Administrator to take PTO leave or it will be applied to their ELB. Under no circumstances may an employee be paid for any PTO leave in excess of 500 hours.

D. Use of PTO and Extended Leave Bank (ELB)

Employees shall begin accruing PTO on the beginning date of employment, but shall not be permitted to use PTO until completion of three (3) months of employment.

After the first year of employment, employees are required to use at least forty (40) hours of PTO leave per year. PTO leave taken in each successive year will be based on the employee's beginning date of employment. It is not required that the forty (40) hours be used consecutively.

An employee who has been absent from work for more than three (3) consecutive calendar days due to a medically certified illness or injury for the employee and/or a member of the employee's immediate family will be eligible to use time accrued in the ELB for days off for the illness/injury in excess of three (3) days. Immediate family shall mean spouse, child, parent, sister, brother, stepfather, stepmother, grandparents or grandchildren of either the employee or the employee's spouse. If the employee does not have time accrued in the ELB, the employee may continue to use accrued PTO. To be compensated under the ELB, an employee must be unable to perform the duties of his/her position as certified by the employee's health care provider.

An employee may also use PTO leave for non-FMLA absences.

There is no cap or limitation on hours earned in an employee's ELB.

E. PTO and the Family and Medical Leave Act (FMLA)

For any qualifying event under the Family and Medical Leave Act of 1993 that exceeds three (3) consecutive working days, the employee's earned PTO will be used for the first three (3) days' absence. Beginning with the fourth day of the employee's absence, the employee shall be required to use accrued ELB. When the employee's ELB has been exhausted, the remainder of the employee's earned PTO shall be used.

For any qualifying event under FMLA, an employee's PTO and ELB shall run concurrently with FMLA leave.

F. Bereavement (Funeral) Leave

An employee shall be permitted to use up to three (3) consecutive, full working day's ELB leave to attend the funeral or memorial service in the event of the death of any person residing in the employee's household or any member of the employee's extended family. Extended family shall mean spouse, child, parent, sister, sister-in-law, brother, brother-in-law, niece, nephew, stepfather, stepmother, uncle, aunt, grandparents, or grandchildren of either the employee or the employee's spouse. Under exceptional circumstances, e.g., travel distance over 300 miles, a Division

Manager may grant an additional two (2) days of ELB leave. If the period of absence exceeds five (5) days, PTO leave must be used. If PTO or ELB leave credits are inadequate or additional leave time is needed, the employee may use leave without pay with the approval of the employee's Division Manager.

G. Exhaustion of PTO Leave

When an employee's PTO leave has been exhausted, any absences from work due to a medically certified illness or injury will be taken as leave without pay (LWOP) for the first three (3) days. For each consecutive, subsequent working day, the employee will be eligible to use time, if available, in his/her ELB. If the employee returns to work and requests leave for the same qualifying event within thirty (30) days, he/she shall not be required to take PTO or LWOP for three (3) days prior to using time, if available, in his/her ELB.

If an employee has exhausted PTO leave and requests time off, the employee's supervisor may deny approval for the request unless the request is due to a medically certified illness or injury, jury duty, witness duty not of a personal nature, emergency leave, or military leave, all of which will be paid in accordance with existing policies. However, if the request is approved, the leave can be taken as LWOP.

H. Approval of PTO Leave Requests

An employee must request PTO leave in accordance with current Policies and Procedures of the employee's Division. Leave must be scheduled and approved by the appropriate supervisor, in advance, according to the Division's Policies and Procedures. Leave requests not scheduled and approved a minimum of twenty-four (24) hours in advance will be considered "unscheduled leave." If an employee has over six (6) unscheduled absences during the fiscal year, the employee's supervisor shall address those absences in the employee's performance evaluation. The determination of the Division Manager on the matter of scheduled PTO leave shall be final.

If an emergency prevents prior approval of leave, the employee must contact his/her immediate supervisor by 9:00 a.m. to report the absence. If the immediate supervisor cannot be reached, the employee should contact and secure the approval of the designated supervisor next in line of authority or the employee's Division Manager. If the unscheduled absence is not approved, a charge of absence without official leave (AWOL) and/or disciplinary action may result.

When an employee returns to work after the emergency leave event, a "Request for Leave" must be submitted for signature and approval by the approving authority who granted the emergency leave. This request must include an explanation of the emergency.

I. PTO Advances Prohibited

No employee shall be allowed to use PTO that has not already been earned.

J. PTO Records

PTO accumulation and usage records for all employees shall be maintained by the employee's Division and shall be based upon the PTO information submitted by the employees and authorized by the supervisors on each payroll. No PTO shall be granted except on the basis of such PTO records.

K. Scheduling of PTO

The employee's Division Manager shall have the discretion to approve/disapprove and the responsibility to schedule the leave of the employee.

L. Payment for Unused PTO or ELB Upon Separation of Service or Death

Employees who separate from the County service before the completion of three (3) months of service shall not be eligible for PTO payment. PTO leave may not be taken during an employee's last two weeks of employment unless specifically pre-approved in writing by the employee's Division Manager.

1. Employees will be eligible to receive a lump sum payment for PTO and ELB under the following conditions:

- a. Voluntary Separation

- (1) Senior Executive Service (SES)

Upon the expiration of a ninety (90) day advance written notice, unless a waiver of all or part of the advance notification requirement has been recommended by the Human Resources Manager and approved by the County Administrator.

- (2) Professional, Technical, and Confidential Service (PTC)

Upon the expiration of a thirty (30) day advance written notice, unless a waiver of all or part of the advance notification requirement has been recommended by the Human Resources Manager and approved by the County Administrator.

- b. Position abolishment/layoff after a fifteen (15) calendar day period has elapsed pending reinstatement.

- c. Upon the death of an employee, payment shall be made to the designated beneficiary of the employee.

2. Employees will not be eligible to receive a lump sum payment for PTO if the employee is involuntarily separated under the following conditions:

- a. Senior Executive Service (SES)

If removed or discharged for misfeasance, malfeasance or commission of a felony pursuant to Section 8613 of the Escambia County Administrative Code.

b. Professional, Technical, and Confidential Service (SES)

If removed or discharged for misfeasance, malfeasance or commission of a felony pursuant to Section 8613 of the Escambia County Administrative Code.

3. Employees will not be eligible to receive a lump sum payment for ELB if involuntarily separated or for not giving proper notice in accordance with Paragraphs L. 1. a. (1) and L. 1. a. (2) in this policy.
4. The lump sum payment shall be calculated based on 100% of the current value of the total number of hours of unused PTO, up to but no more than 500 hours, and 50% of the current value of the total number of ELB hours, up to but no more than 2,080 hours, if the employee is otherwise eligible to receive payment. PTO/ELB hours are redeemable for direct payment only in the manner described herein. No payment or credit will be provided for any ELB hours exceeding the 2,080 hours limit.

M. Leave Donation and Leave Incentive Plans

1. Leave Donation

The rules that apply for annual leave donation for the classified employees will apply to unclassified employees except that PTO leave may be donated in lieu of annual leave. Any leave received will be converted to ELB leave.

2. Sick Leave Pool

The rules that apply for participating in the sick leave pool for classified employees will apply to unclassified employees except that PTO or ELB leave may be contributed to the pool. Hours received from the pool shall be transferred to the employee's ELB in lieu of sick leave.

3. PTO Incentive Plan

The rules that apply to annual leave being converted to cash payments in lieu of taking time off for the classified employees will apply to unclassified employees except that PTO leave only may be converted in lieu of annual leave to cash payments to be paid in the second pay period in the month of November of each year.

N. Reinstatement

Employees who leave Escambia County employment and are then reinstated within one year will be eligible to count past years of service when applying this policy.

O. Disposition of PTO Upon Entering the Deferred Retirement Option Program (DROP)

When an employee enters the DROP program, he/she has the option of receiving a lump sum payment not to exceed the current value of 500 hours of PTO. If an employee enters the DROP program, he/she shall continue to accrue PTO/ELB leave. Upon separation of service, the employee shall receive a final payment in accordance with Section L of this policy. This final payment will not include any lump sum payment received when the employee entered the DROP program, and when combined with any lump sum payment received when the employee entered the DROP program, may not exceed the current value of 500 hours of PTO. Furthermore, the final payment will not be credited to the employee's retirement pension.

P. PTO, When Chargeable

PTO shall only be charged for absence upon a day which an employee would otherwise work and receive pay.

Q. Computation of PTO Charges

The employee shall charge absences from work to PTO according to the actual number of leave hours used in minimum of half-hour increments.

The Human Resources Division will be responsible for the implementation and compliance of this policy. Any amendments made after the effective date will be made available to all employees of the BCC.