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## 1.0 Time Off Philosophy

EMSWCD encourages employees to take time off from work for vacation, as holidays, and as needed for wellness purposes. EMSWCD encourages each employee to achieve a work-home life balance that provides time for them to enjoy both their professional and personal lives as much as possible. EMSWCD recognizes that some employees may want to take small amounts of paid time off from work on a monthly basis, whereas other employees may want to accumulate the maximum amounts of paid leave and take as much time off as possible at one time. These are both acceptable approaches, but any time taken away from work must be arranged as soon as possible and will be approved when it does not unduly interfere with EMSWCD business.

Regular or temporary (employees with pre-determined employment periods and/or end dates), full-time employees and part-time employees who normally work at least 20 hours per week, are eligible for paid leave as detailed in this policy. Part-time employees who normally work less than 20 hours per week are usually not eligible for any type of paid leave. All leave eligibility, accrual rates, use, and status upon departure are set forth within this section as applicable to all EMSWCD staff. Any divergence from this policy (for example, as a result of initial employment negotiations), must be made in writing by the Executive Director.

## 2.0 Time Off Requests

When possible, all leave requests are expected to be pre-approved by the employee's supervisor. Leave requests should be scheduled so the leave does not interfere with the accomplishment of the employee's responsibilities or with EMSWCD operations. In some cases, all or part of the employee's work assignments may be distributed to other employees. There may also be circumstances when requested leave may not be approved due to competing EMSWCD priorities or leave requests. These arrangements are to be discussed prior to taking time off.

## 3.0 Time Worked Beyond 40 Hours per Week

While employees and their supervisors should strive to maintain fulltime employees' work schedules to a maximum of 40 hours per week, there may be times when employees' tasks and projects require exceeding this. This is handled differently for exempt/salaried employees (addressed through "bank time") and non-exempt/hourly employees (addressed through "overtime/compensatory time").

### 3.1 Bank Time

Exempt employees are not eligible for overtime pay or compensatory time. Instead, they may accumulate up to 60 hours in a "time bank" (one hour for each regular hour worked over the standard 40-hour week) without prior approval of the supervisor. With prior approval, employees may then apply the accrued time in the time bank toward time off on a regular workday. Employees will receive a monthly report indicating the amount of time they have in the time bank. Non-exempt employees are not able to accumulate time in a time bank.

#### **Eligibility**

- Fulltime exempt/salaried employees (regular or temporary status).



**Accrual**

- When employees exceed 40 hours of work per week, the time in excess of 40 hours is accrued in a “Time Bank” (referred to hereafter as “bank time”).
- No more than 60 hours of bank time may be accumulated; any time in excess of this amount is lost.
- Under special circumstances, employees and supervisors may request written pre-authorization from the Executive Director for employees to exceed the maximum bank time.
- Paid leave (except for wellness leave), is not counted as time worked during the workweek for the purposes in this section.
  - For example, an employee who clocks 39 hours in a workweek, should not take 8 hours of paid vacation leave if they want to take a day off. Taking 8 hours of paid vacation leave would mean the person would unnecessarily account for 47 hours in a workweek (7 hours of which would be “lost” because it does not count as time worked). The person should only clock the actual “hours worked” (39) plus an additional 1 hour of paid vacation leave, to make 40 hours in the workweek.
    - Paid wellness leave is the exception to this. If the above employee takes 8 hours of paid wellness leave during the above week, the total for the week would be 47 hours and the employee would accrue 7 hours of bank time.

**Use**

- Banked time may be used similar to vacation leave.

**Status upon departure**

- If an employee leaves employment (voluntarily or involuntarily), the employee will be paid for any unused bank time that has not been lost due to exceedances.

**3.2 Overtime/Compensatory Time**

Hourly wage/non-exempt employees are eligible for overtime pay or compensatory time. Although the pay period is by the month, state law requires calculation of compensatory time and overtime on a weekly basis. Non-exempt employees shall be paid time-and-a-half or double time (as provided for in BOLI regulation) for any time worked over 40 hours per week. Alternatively, non-exempt employees may elect to receive compensatory time in lieu of paid overtime, at the rate of one-and-a-half hours accrued for each hour worked in excess of 40 hours per week. In the event non-exempt employees work more than 40 hours in a workweek, but some of those hours are for sick leave or other paid time off, the requirement for paying overtime or granting compensatory time does not apply. Overtime is calculated based on hours actually worked (unless an employment contract or collective bargaining agreement states otherwise). If compensatory time is accumulated, a maximum of 60 hours may be accrued. Although compensatory time will be recorded separately from annual leave accrual, it may be used like annual leave. If a non-exempt employee leaves employment (voluntarily or involuntarily) with the EMSWCD, they will be paid for any unused compensatory time. Employees will receive a monthly report indicating the amount of compensatory time they have accumulated.

Exempt employees are not able to earn overtime or compensatory time.



**Eligibility**

- Fulltime non-exempt/hourly employees (regular status or temporary).

**Accrual**

- From time to time, employees may be asked by their supervisors to work overtime (more than 8 hours per day or more than 40 hours per week).
- All overtime must be pre-approved by a supervisor and/or the Executive Director.
- Employees may choose one of two options to be compensated for overtime: 1) they may be paid time and ½ for the hours worked; or 2) they may elect to accumulate compensatory time at the rate of time and ½ for the hours worked.
- Employees must notify time-keeping staff how they want to be compensated for overtime.
- If time is accumulated, a maximum of 60 hours may be accumulated; otherwise the remaining amounts will be paid.
- Paid leave (except for wellness leave) is not counted as time worked during the workweek for the purposes in this section.
  - For example, an employee who clocks 39 hours in a workweek, should not take 8 hours of paid vacation leave if they want to take a day off. Taking 8 hours of paid vacation leave would mean the person would unnecessarily account for 47 hours in a workweek (7 hours of which would be “lost” because it does not count as time worked). The person should only clock the actual “hours worked” (39) plus an additional 1 hour of paid vacation leave, to make 40 hours in the workweek.
  - Paid wellness leave is the exception to this. If the above employee takes 8 hours of paid wellness leave during the above week, the total for the week would be 47 hours and the employee would accrue 10.5 hours (at time and a half) of overtime/compensatory time.

**Use**

- Although compensatory time will be recorded separately from other types of leave, it may be used like vacation leave.

**Status upon departure**

- If an employee leaves employment (voluntarily or involuntarily), the employee will be paid for any unused compensatory time.

## 4.0 Vacation Leave

**Eligibility**

- All regular status employees who normally works at least 20 hours per week shall earn vacation leave.
- All temporary employees (employees with pre-determined employment periods and/or end dates), who normally works at least 20 hours per week shall earn vacation leave.
- Regular or temporary part-time employees who normally work less than 20 hours per week are not eligible for vacation leave.

**Accrual**

- Vacation leave accrual starts on the first day of employment.
- Vacation leave accrual, however, is on a monthly basis and shall be recorded at the end of each month.



**Policy 1.1.8: Time Off / Leave Time**  
**East Multnomah Soil & Water Conservation District**

*December 2, 2019*

- If an employee is employed less than a full month, then vacation leave accrual is prorated for that month.
- The table below indicates the accrual rates and maximum accumulation of vacation leave for regular, fulltime employees based on the amount of time employees have been employed at EMSWCD.
- Part-time employees (regular status or temporary) who are normally scheduled to work fewer than 40 hours per week, but at least 20 hours per week, receive pro-rated vacation leave. For example, an employee who works 20 hours per week (50% of 40 hours per week) will accrue vacation at 50% of the normal rate (e.g., 40 hours in the first year). Maximum accumulation is also pro-rated accordingly.
- Exceedances of the maximum accumulation amounts will only be allowed on a case-by-case basis with explicit written pre-authorization from the Executive Director. Without such pre-authorization, vacation leave earnings in exceedance of the limits will be lost.

**Table 1: Vacation Leave Accrual**

Employment Period													Accrual Rates			Max Accumulation	
													Hours		Weeks	Hours	Weeks
Year	Months												Per Mo	Per Yr	Per Yr	Per Mo	Per Yr
1st	1	2	3	4	5	6	7	8	9	10	11	12	6.67	80	2	80	2
2nd	13	14	15	16	17	18	19	20	21	22	23	24	10	120	3	200	5
3rd	25	26	27	28	29	30	31	32	33	34	35	36	10	120	3	240	6
4th	37	38	39	40	41	42	43	44	45	46	47	48	10	120	3	240	6
5th	49	50	51	52	53	54	55	56	57	58	59	60	10	120	3	240	6
6th	61	62	63	64	65	66	67	68	69	70	71	72	13.33	160	4	240	6
7th	73	74	75	76	77	78	79	80	81	82	83	84	13.33	160	4	240	6
8th	85	86	87	88	89	90	91	92	93	94	95	96	13.33	160	4	240	6
9th	97	98	99	100	101	102	103	104	105	106	107	108	13.33	160	4	240	6
10th	109	110	111	112	113	114	115	116	117	118	119	120	13.33	160	4	240	6
11th	121	122	123	124	125	126	127	128	129	130	131	132	15	180	4.5	240	6
12th	133	134	135	136	137	138	139	140	141	142	143	144	15	180	4.5	240	6
13th	145	146	147	148	149	150	151	152	153	154	155	156	15	180	4.5	240	6
14th	157	158	159	160	161	162	163	164	165	166	167	168	15	180	4.5	240	6
15th	169	170	171	172	173	174	175	176	177	178	179	180	15	180	4.5	240	6
16th	181	182	183	184	185	186	187	188	189	190	191	192	16.67	200	5	240	6
17th	193	194	195	196	197	198	199	200	201	202	203	204	16.67	200	5	240	6
18th	205	206	207	208	209	210	211	212	213	214	215	216	16.67	200	5	240	6
19th	217	218	219	220	221	222	223	224	225	226	227	228	16.67	200	5	240	6
20th+	229	230	231	232	233	234	235	236	237	238	239	240	16.67	200	5	240	6



**Use**

- Vacation leave cannot be used until it has been accrued (i.e., employees cannot go into “paid leave debt”), except with explicit pre-authorization in writing by the Executive Director.

**Status upon departure**

- If an employee leaves employment (voluntarily or involuntarily), the employee will be paid for any unused accumulated vacation leave that has not been lost due to exceedances.

## 5.0 Floating Holiday Leave

**Eligibility**

- All regular status employees who normally work at least 20 hours per week.
- All temporary employees who normally work at least 20 hours per week.

**Accrual**

- There are typically 10 federal holidays each year. EMSWCD treats these days as “floating holiday” leave time.
- Fulltime employees (regular or temporary) will accrue 8 hours of floating holiday leave per federal holiday, thus, 80 hours per fiscal year (regardless of the actual number of federal holidays in any given year).
- Floating holidays will be accrued by fulltime staff on the first of each month, on a monthly basis, as per the following schedule:
  - July: 8 hours
  - August: 0 hours
  - September: 8 hours
  - October: 8 hours
  - November: 16 hours
  - December: 8 hours
  - January: 16 hours
  - February: 8 hours
  - March: 0 hours
  - April: 0 hours
  - May: 8 hours
  - June: 0 hours
- Part-time employees’ floating holiday accrual will be pro-rated as per the number of hours they normally work each week.

**Use**

- Employees can use floating holiday leave only after it has been accrued, similar to vacation leave.
- Employees must use floating holiday leave each fiscal year or it is lost.
- Non-exempt/hourly employees may use floating holiday leave as described above, including on the holiday itself.
- Because there are no specific days that are designated as “holidays,” if employees are required to work on a federal holiday or voluntarily work on a federal holiday, there will not be compensatory time or overtime pay (see Section 3.2).



### **Status upon departure**

- At separation, all unused, accrued floating holiday leave in a fiscal year is paid out.

## **6.0 Wellness Leave**

### **Eligibility**

- All employees.

### **Accrual**

- Full-time employees earn 8 hours of wellness leave per month (i.e., 96 hours per year).
- Part-time employees earn wellness leave pro-rated (on the 8 hours per month full time equivalent) based on the number of hours they normally work per week. As per Oregon state law, however, employees must earn at least one hour of wellness leave for every 30 hours worked. As such, this rate shall establish the minimum hours of wellness leave accrual for part-time employees.
- There is no cap on accumulated wellness leave.

### **Use**

- Wellness leave may be used by employees when the following non-occupational conditions involve themselves, members of their family, or members of their immediate household<sup>1</sup>:
  - Illness
  - Injury
  - Quarantine based on exposure to contagious disease
  - Dental or health-related appointments
  - Mental health care
- Wellness leave may be used for activities such as appointments, hospital/clinic stays, and at-home care.
- Requests to use Wellness Leave should be submitted as follows:
  - All employees must notify their supervisor or Executive Director as soon as practical when they will be or have been absent due to wellness-related issues.
  - At the request of EMSWCD, documentation from a physician may be required for use of wellness leave in excess of three consecutive days.

### **Status upon departure**

- If an employee leaves employment (voluntarily or involuntarily), the employee will not be paid for any unused accumulated wellness leave.

## **7.0 Donated Leave**

### **Eligibility**

- A regular status employee (the “recipient”) who normally works at least 20 hours per week is eligible to receive donated leave under the following circumstances:
  - To recover from or seek treatment for a “serious health condition”<sup>2</sup> that is expected to continue after an employee has used all accumulated leave; or

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<sup>1</sup> From this point forward in this policy, “family member” and “member of household” is as defined by the employee.

<sup>2</sup> For the purposes of this policy, a “serious health condition” requires a reduced work schedule resulting in at least partial day absences in excess of 15 calendar days.



- To care for or seek treatment for a family member with a serious health condition which is expected to continue after the employee has used all accumulated leave.
- A regular status employee (the “donor”) who normally works at least 20 hours per week may donate accumulated vacation leave, wellness leave, bank time, and/or compensatory time to an eligible employee for use only as wellness leave for a documented serious health condition as described immediately above.

**Accrual**

- A recipient employee must submit a written request for donated leave to the Executive Director.
  - If an employee is unable to submit a written request, the Executive Director may accept a written request from a family member or other responsible party.
  - The request must include the specific amount of time requested based on the expected need.
  - Upon request by the Executive Director, documentation from an attending physician or practitioner must accompany the request, verifying that a qualifying medical need exists for either the employee or a family member. The documentation must state the estimated amount of time the employee will need away from work; it must also be consistent with the amount of time the employee requests. Medical documentation obtained for other purposes such as Federal Family Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA) may also be used for the purpose of verifying an employee’s eligibility to receive donated leave.
  - An employee may not request donated leave for short-term or sporadic conditions or illnesses that are common, expected, or anticipated. This includes, but is not limited to, sporadic, short-term recurrences of chronic allergies or conditions, short-term absences due to contagious diseases, or short-term, recurring medical or therapeutic treatments. Each situation must be examined and decided on a case-by-case basis and must be handled consistently and equitably.
  - An employee may not request donated leave when they are eligible to receive or are receiving workers’ compensation and are not on parental leave.
  - Donated leave can impact long- and short-time disability benefits. Before applying for donated leave while receiving disability benefits, employees must consult EMSWCD’s human resources staff for information on how donated leave will impact specific circumstances.
- A donor employee must submit a written request to the Executive Director to donate leave to a recipient employee.
  - The donor’s request must be processed as per EMSWCD’s procedures before the transfer of leave occurs.
  - A donor may not donate time that the employee has lost due to leave accrual limits (e.g., for vacation, holiday, bank time, and compensatory time).
  - An employee may donate leave only in one-hour increments to a recipient.
- Donated hours transfer from the donor’s accrued leave as needed by the recipient. If total leave donated exceeds the total amount of leave accepted, the unaccepted leave shall remain in the donor’s accrued leave balance.
- EMSWCD will credit the recipient at the recipient’s regular rate of pay regardless of the rate of pay of the donor.
- The recipient assumes the tax liability for the value of the donation at the recipient’s rate of pay.
- If the recipient needs more leave than the initial amount of time requested, the employee may submit subsequent requests for donated leave accompanied by updated medical documentation.





**Use**

- EMSWCD shall inform employees that the use of donated leave may offset disability payments.
- The following language must accompany the donated leave request: "I understand that my use of donated leave may offset the receipt of disability payments."
- Donated leave may be received and taken on an as-needed, intermittent basis for the same condition after an employee has met the initial eligibility criteria.
- EMSWCD will consider time taken under this program to be wellness leave with pay.
- EMSWCD will consider time taken under this program to be time worked for purposes of wellness and vacation leave accrual.
- EMSWCD shall maintain the following documentation in a confidential medical file for each request for donated leave for a period of four years from the date of the request:
  - Employee's request to receive donated leave with supporting medical documentation;
  - Executive Director's (or designee's) approval or denial of request for donated leave;
  - The donor's authorization to donate leave with appropriate signatures, including the appointing authority or designee, payroll staff, and number of hours donated; and
  - Record of total leave accepted by receiving employee.

**Status upon departure**

- If a recipient employee leaves employment (voluntarily or involuntarily), all unused donated leave will return to the donor employees.

## 8.0 Medical/Parental Leave, Supplemental Medical/Parental Leave, Paid Domestic Leave<sup>3</sup>

**Eligibility**

- Regular status employees who normally work at least 20 hours per week and who have worked at EMSWCD for at least six months are eligible to receive medical/parental leave, supplemental medical/parental leave, and paid domestic leave.
- Employees who work less than 20 hours per week and/or have not worked at EMSWCD for at least six months and/or who are temporary/seasonal employees are not eligible for medical/parental leave, supplemental medical/parental leave, and paid domestic leave.

**Accrual**

- Regular status, fulltime employees will be provided up to 24 weeks of time off (per any consecutive 12-month period) without pay for each occurrence for employee health issues and/or care for an employee's family member with serious health issues and/or for the birth or adoption of a child, hereafter referred to as **medical/parental leave**.
- The amount of time off with or without pay for medical/parental leave for regular status, part-time employees shall be prorated according to their normal work hours (e.g., a 20-hour per week employee is a 50% FTE and thus shall have 50% of the time off available to them).
- Under exceptional circumstances, such as a child or family member with serious health issues, EMSWCD may grant time off without pay in addition to the medical/parental leave allowances described above, hereafter referred to as **supplemental medical/parental leave**.
- After one-year of employment with EMSWCD, regular status, fulltime employees may be provided up to three weeks of paid leave off (per any consecutive 12-month period) following the birth or

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<sup>3</sup> Approved by the EMSWCD Board of Directors on June 1, 2015.



adoption of a child<sup>4</sup> or during the serious illness of the employee, the employee's spouse, partner, or family member, hereafter referred to as ***paid domestic leave***.

### **Use**

- Qualifying reasons for taking medical/parental leave, supplemental medical/parental leave, and paid domestic leave at EMSWCD will include, but are not limited to, all qualifying reasons under the Oregon Family Leave Act (OFLA).
- Acceptability of non-OFLA reasons for taking medical/parental leave, supplemental medical/parental leave, and paid domestic leave will be decided on a case-by-case basis by the employee's supervisor and Executive Director.
- Use of concurrent paid time off:
  - An employee may elect to use accrued paid leave in concurrence with medical/parental leave and/or supplemental medical/parental leave.
  - Accrued paid leave may include wellness leave, vacation leave, holiday leave, compensatory time, and bank time.
  - Under these circumstances, accrued paid leave is expended concurrently with medical/parental leave and/or supplemental medical/parental leave and will not result in extending the total time off from work.
- Part-time work options: EMSWCD may, at its discretion, allow regular, fulltime employees to work part-time (at least 20 hours per week) as follows:
  - Up to 32 weeks in lieu of taking any medical/parental leave; or
  - In conjunction with (i.e., interspersed throughout) medical/parental leave for a total combined (part-time work and time off during medical/parental leave) period that does not exceed 32 weeks; and/or
  - Up to 8 weeks prior to and/or after taking medical/parental leave for a total combined (part-time work and time off during medical/parental leave) period that does not exceed 32 weeks.
- Requests for medical/parental leave, supplemental medical/parental leave, and paid domestic leave must be in writing and approved by the Executive Director.
  - Requests should be accompanied by a plan that, at a minimum, describes when and how much of paid and unpaid leave will be used and how work objectives will be accomplished in the employee's absence.
  - Substantiation documentation may be required to accompany requests.

### **Status upon departure**

- All rights to any medical/parental leave, supplemental medical/parental leave, and paid domestic leave are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

## **9.0 Bereavement Leave**

### **Eligibility**

- Regular status employees who normally work at least 20 hours per week.

### **Accrual**

- Under normal circumstances, fulltime employees will be granted three days of paid bereavement leave upon the death of a member of an employee's family or household (as determined by the employee).

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<sup>4</sup> This is not restricted to the primary caretaker.



- Part-time employees' bereavement leave will be prorated according to the normal number of hours worked per week.

#### **Use**

- Requests for paid bereavement leave should be submitted as soon as possible and will be decided by the Executive Director on an individual basis.
- If staff believe they need additional time, they may use any combination of accrued paid leave (such as vacation, wellness, floating holiday, time bank, and compensatory time) and/or request paid domestic leave (see Section 8.0).

#### **Status upon departure**

- All rights to bereavement leave are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

## 10.0 Mandatory Leaves

### **Eligibility**

- All employees will receive mandatory leaves as required by law.

### **Accrual/Use**

- See Sections 10.1 – 10.8.

### **Status upon departure**

- All rights to mandatory leaves are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

### 10.1 Bone Marrow Leave

In accordance with Oregon Revised Statute 695A.312, employees who work on average 20 or more hours per week shall be allowed to take accrued paid leave to donate bone marrow.<sup>5</sup> Employees should submit a request for such leave to their supervisor as early as practical.

### 10.2 Court/Jury Duty Leave

Prior notice of court/jury duty must be provided to the supervisor. Upon presentation of subpoena or letter, qualifying employees shall be granted leave with full pay any time they are required to report for court/jury duty. If an employee is excused or dismissed prior to the end of the employee's regular work shift, the employee shall report back to work if more than half of the work day remains. If EMSWCD work activities warrant, the Executive Director will support the employee in requesting a postponement of jury service. Employees should not accept stipends or mileage reimbursement from the court's administrative body.

### 10.3 Crime Victims' Leave

If an eligible employee or a member of the employee's immediate family or household suffers financial, social, psychological, or physical harm as a result of a personal felony, the employee may take protected leave from work to attend criminal proceedings. The amount and length of leave time the employee may take is limited to that which does not create significant difficulty and expense (undue hardship) to EMSWCD. If EMSWCD must limit the leave due to undue hardship, EMSWCD must notify the prosecuting attorney in the criminal proceeding, who is required by law to notify the court. The court should then take the employee's work schedule into consideration when scheduling the criminal proceedings. The employee must provide the supervisor with reasonable

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<sup>5</sup> <https://www.oregonlaws.org/ors/659A.312>



notice of their intention to take crime victims' leave and provide copies of any notices of scheduled criminal proceedings received from a law enforcement agency. EMSWCD will treat such documentation as confidential information. Crime victims' leave is unpaid; however eligible employees may choose to use accrued paid leave (such as vacation, holiday, wellness, compensatory, or bank time) available to them concurrently with crime victim's leave. Benefits are not affected by crime victims' leave.

#### **10.4 Domestic Violence Leave**

Eligible employees may take reasonable unpaid leave to obtain services or treatment relating to domestic violence, sexual assault, or stalking. EMSWCD may limit the amount of leave taken to the extent it causes an undue hardship to EMSWCD. Eligible employees may choose to use accrued paid leave (i.e., vacation, holiday, wellness, compensatory, or bank time) available to them concurrently with domestic violence leave.

#### **10.5 Military Leave**

Full time employees will receive payment for the first 30 days of military leave. Part-time employees will receive a prorated time period of military leave. Prior approval for military leave must be requested from the Executive Director. Accrued paid leave (such as vacation, holiday, wellness, compensatory, or bank time), for time extending beyond the first 30 days for fulltime employees (a prorated time period for part-time employees), may be debited for military leave at the request of the employee.

#### **10.6 Disability Leave**

EMSWCD provides reasonable accommodation for individuals with disabilities, as long as that accommodation does not create an undue hardship for EMSWCD. Such accommodation may include a leave of absence without pay (i.e., **disability leave**) to receive treatment for the disability. Eligible employees must submit a written request to the Executive Director for disability leave prior to taking time off. Upon medical verification, disability leave up to 24 weeks for fulltime employees (a prorated amount for part-time employees) may be provided. Disability leave without pay may be requested beyond this time if needed.

#### **10.7 Leave for On-the-Job Injuries**

Employees who are eligible to receive workers' compensation (including temporary employees) are entitled to work-related injury leave with full pay for up to five scheduled workdays (40 hours or normal number of hours scheduled in a week). This leave, for illness or injury arising out of and in the course of employment, is not charged to other forms of accrued paid leave. Absence from work of more than five days due to a work-related injury will be accommodated through family/medical leave. Employees receiving workers' compensation for job-related injuries or disease may use other forms of paid leave to supplement the payment up to, but not to exceed, their regular rate of pay. After all other forms of paid leave have been exhausted, employees are not entitled to leave or pay benefits other than workers' compensation. Employees may be put into a leave without pay status during this time without adjustment in the position/employment service period.

Eligible employees who are injured on the job and, as a result, are required to take time off work, have some reinstatement rights, depending on the nature of their medical release. The reinstatement rights can last up to three years from the date of injury. Returning injured workers



have seven calendar days (from the date they are informed by their insurance carrier) to notify EMSWCD that their attending physician has released them for employment.

### **10.8 Federal Family and Medical Leave Act Leave**

All “public employers/agencies” (including special districts as subdivisions of state government), without regard to the number of employees they have, are covered by the Federal Family and Medical Leave Act (FMLA). As such, EMSWCD must post the FMLA/DOL rights poster (29 CFR 825.104). However, not all public employees are eligible for FMLA. Each public employee must: 1) Work at a worksite that employs 50+ employees within a 75-mile radius; 2) Have worked at least 1,250 hours in the 12 months prior to commencement of the leave; and 3) Have been employed at least 12 months for a single covered employer. Because EMSWCD has no employees that meet these criteria, it does not have to provide leave under FMLA. EMSWCD does, however, provide medical/parental leave, supplemental medical/parental leave, and paid domestic leave as described in Section 8.0 of this policy.

## **11.0 Emergency Closure Leave**

### **Eligibility**

- All employees.

### **Accrual/Use**

- See Sections 11.1 – 11.2.

### **Status upon departure**

- All rights to emergency closure leave are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

### **11.1 Inclement Weather**

During inclement weather, EMSWCD has elected to follow the office hours of Multnomah County. If Multnomah County offices are closed due to inclement weather, EMSWCD shall also be closed. Similarly, if Multnomah County offices open later than normal, EMSWCD shall open at the same time. Since EMSWCD staff work varying shifts, the late start possibility may affect individual staff differently. If, for example, Multnomah County offices don’t open until 9:00 AM and staff A was scheduled to start that day at 6:00 AM while staff B was scheduled to start that day at 9:00 AM, staff A would receive 3 hours off for the day while staff B would not receive any hours off that day. It will be important to monitor the situation closely and confer with supervisors if there are questions. Employees are responsible for checking the Multnomah County website to determine if offices are closed during inclement weather. If ever in doubt, employees should contact their supervisor.

When the EMSWCD office is closed or has a late start under the above conditions, staff should follow the guidelines below for time coding purposes.

- If staff were normally scheduled to work during the hours the office was closed and did not work, they should code that time as administrative leave. Staff who would have normally been at work, but instead were on previously arranged paid leave, should do similarly.
- If staff were scheduled to work during the hours the office was closed and “voluntarily” chose to work anyhow, they should code that time as they normally would; the administrative leave is “lost.”



- If staff were scheduled to work during the hours the office was closed and were required to work [i.e., they had little choice in the matter; supervisors should approve this (after the fact is fine)], they should code it as they normally would and bank the difference/administrative leave.
- If staff were not normally scheduled to work the hours the office was closed, they should code their time as they normally would.

When the office is not closed during inclement weather periods, employees are encouraged to use public transportation when dangerous driving conditions exist. Leave without pay will be granted if an employee believes they cannot safely report to work due to inclement weather. With explicit, case-by-case permission of their supervisor, employees may also work from home in such conditions. Alteration of future work schedules to make up lost time shall also be permitted. Employees, with permission from supervisors, may also opt to take accrued paid leave (such as vacation, floating holiday, compensatory, or bank time) to cover the time missed.

### 11.2 Natural Disasters, Attacks, Quarantines

In the event of a catastrophic occurrence, the safety of staff and board members is of paramount importance. Leave will be granted (with or without pay at the Executive Director's discretion) and/or alternate work locations will be arranged if an employee is unable to report to duty or if doing so is unsafe or ill-advised. For example, in the event of a local avian flu outbreak, EMSWCD will follow the recommendations of local officials to minimize risk of contagion (e.g., meet by phone or work from home). Any questions regarding expectations in such a situation should be directed to the Executive Director, who will consult with the board as appropriate and feasible.

## 12.0 Sabbatical Leave

### Eligibility

- Regular status, fulltime employees with at least five years of fulltime employment at EMSWCD who have received at least an overall annual performance rating of "good" or better for at least three consecutive years immediately prior to the requested sabbatical leave.
- No more than two employees can be on sabbatical leave at any given time.

### Accrual

- Eligible employees may request unpaid sabbatical leave for a period of up to 12 months.
- Additional unpaid sabbatical leave requests for up to 12 months may be made by eligible employees every five years after each completed sabbatical leave.

### Use

- Eligible employees must submit a written request for sabbatical leave to the supervisor and Executive Director as far in advance as possible.
- Sabbatical leave requests must include, at a minimum:
  - The reason for the sabbatical leave;
  - The dates of departure and return;
  - Indication of whether the employee will seek or has attained external employment during the sabbatical leave;
  - If and when a combination of leave without pay and with accrued paid leave (vacation, holiday, compensatory, or bank time) will be used; and
  - A *Sabbatical Plan* that addresses the critical needs of EMSWCD during the employee's absence.





- Sabbatical leave will usually be authorized for a special circumstance or pursuit. Approving and granting sabbatical leave is at the discretion of the Executive Director. Due to work load allocation issues, under ideal circumstances only one staff per four-person programmatic unit will take sabbatical leave at any given time. As such, requests will be reviewed and approved on a first-come, first-serve basis. When evaluating requests for sabbatical leave from the same programmatic unit that are submitted in the same week for an over-lapping period of time, the Executive Director will evaluate requests based on the following:
  - Number of sabbatical leaves previously taken (the fewer taken, the more likely to be approved);
  - Length of time since most previous sabbatical leave (the longer the time, the more likely to be approved);
  - Length of service at EMSWCD (the longer service, the more likely to be approved);
  - Quality of the aforementioned sabbatical plan and related financial cost and programmatic impact to EMSWCD (higher quality is more likely to be approved);
  - Direct benefits to EMSWCD as a result of a professional or social pursuit (the more benefit, the more likely to be approved);
  - Benefits to conservation in general as a result of a professional or social pursuit (the more benefit, the more likely to be approved); and
  - Benefits to society as a result of a professional or social pursuit (the more benefit, the more likely to be approved).
- When approved, sabbatical leave will officially start on the first regular workday following the last day worked for EMSWCD.
- While on sabbatical leave, the employee is required to check in with the supervisor on a monthly basis to inform the supervisor of the employee's status and to notify the supervisor of any change in the employee's contact information. If this will not possible, prior alternative "check-in" arrangements must be made.
- Insurance coverage will be maintained for the employee while on sabbatical leave for the months that the employee is able to intersperse on average at least 20 hours per week of accrued paid leave.
- Insurance coverage will not be maintained for the employee while on unpaid sabbatical leave during months that the employee intersperses on average less than 20 hours per week of accrued paid leave. The employee may continue insurance coverage by paying the full premium by the first of each month.
- Sabbatical leave shall protect the length of service and returning benefit rights of employees. Benefits, however, do not accrue during unpaid sabbatical leave, but are retained at the same level.
- EMSWCD will make all reasonable attempts to arrange the same or similar employment for individuals returning from sabbatical leave, but no guarantees can be made similar to all Oregon employees who work at-will.
- If the employee does not return within five days of the stated return date and no extension has been approved, EMSWCD will assume the employee has resigned and shall terminate the employee's employment.

**Status upon departure**

- All rights to sabbatical leave are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.



### 13.0 Other Leave without Pay

**Eligibility**

- Regular status employees who normally work at least 20 hours per week.

**Accrual/Use**

- On rare occasions, eligible employees may request leave without pay for reasons such as adding time to take vacation for which they have not accumulated the hours or take a short leave of absence for personal reasons.
- All other forms of paid leave, except for wellness leave, should be used before additional leave without pay under this section is used.
- Other leave without pay will generally not exceed 40 hours in any 12-month period.

**Status upon departure**

- All rights to other leave without pay are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

### 14.0 Employee Benefits and Tenure During Paid and Unpaid Leave

All employees who are actively at work or on paid leave (for a minimum of 20 hours per week), such as vacation leave, holiday leave, wellness leave, and paid domestic leave, will continue to receive normal employee benefits provided by EMSWCD and will continue to accrue all normal employment tenure.

Employees on approved unpaid leave (over 20 hours per week) are not entitled to some employee benefits (see table below). This includes employees who are receiving income replacement benefits from a source other than EMSWCD, such as short-term disability, long-term disability, or workers' compensation insurance. While some benefits are not available during approved unpaid leave, all normal benefits will be available at the same level upon return to at least 20 hours per week of work or paid leave.

Continued Benefit	Benefit Pause
<ul style="list-style-type: none"> <li>• Health insurance *</li> <li>• Flexible spending accounts **</li> <li>• Life insurance ***</li> <li>• Worker's compensation insurance ****</li> <li>• Short and long-term disability insurance</li> <li>• Employee wellness</li> </ul>	<ul style="list-style-type: none"> <li>• Salary/wages</li> <li>• Flexible spending accounts **</li> <li>• Worker's compensation insurance *****</li> <li>• Leave (any type) accrual</li> <li>• Retirement contributions</li> <li>• Tuition assistance</li> <li>• Job training funding</li> </ul>

\* **Health insurance:** For all unpaid leave except Sabbatical Leave. Enrollment continues for no more than 365 days in a nonpay status. The EMSWCD contribution continues for employees while employees are in a nonpay status. EMSWCD will also continue EMSWCD contribution toward dependent coverage if the employee continues to pay the employee portion of the monthly premiums while in the nonpay status.

\*\* **FSA:** FSAs continue only if employee pays the premium during the time off without pay. If the employee ceases payment, EMSWCD will request that the employee returns the FSA card.

\*\*\* **Life insurance:** Minimum coverage continues for 12 consecutive months in a nonpay status without cost to the employee. Any coverage above the minimum is the responsibility of the employee.

\*\*\*\* **Worker's comp:** An employee may be absent from work due to an injury on-the-job and be receiving benefits from a worker's compensation insurance claim.





\*\*\*\* Worker's Comp: An employee absent from work due to an on the job injury and receiving benefits from worker's compensation insurance would no longer be covered for new injuries on-the-job via worker's compensation insurance because the employee would not be at work.

Employees on approved unpaid leave (over 20 hours per week) may not be entitled to continue accruing normal position/employment, leave accrual, and tuition assistance-related tenure (see table below).

Continued Tenure	Tenure Pause
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Position/employment service period *</li> <li>• Leave accrual service period</li> <li>• Tuition assistance required service period</li> </ul>
<p>* <u>Position/employment service period</u>: An employee absent from work due to an injury on-the-job and receiving benefits from a worker's compensation insurance claim will continue to earn tenure in terms of position and employment.</p>	

## 15.0 Unapproved Leave

Any employee who takes unapproved leave for more than five consecutive work days shall be deemed to have resigned from employment with EMSWCD.