



Fulton County, GA

Department of Purchasing & Contract Compliance

August 12, 2016

Re: 17RFP215152B-TR, FMLA ADMINISTRATIVE SERVICES

Dear Proposers:

Attached is one (1) copy of Addendum 2, hereby made a part of the above referenced **Proposal (RFP)**.

Except as provided herein, all terms and conditions in the **RFP** referenced above remain unchanged and in full force and effect.

Sincerely,

Terrence Reese

Terrence Reese
Assistant Purchasing Agent

Winner 2000 - 2009 Achievement of Excellence in
Procurement Award • National Purchasing Institute



17RFP215152B-TR, FMLA ADMINISTRATIVE SERVICES
Addendum No. 2
Page Two

This Addendum forms a part of the contract documents and **modifies** the original RFP documents as noted below:

Question 1: What percentage of FMLA leaves are currently being approved? - Is that satisfactory?

RESPONSE: *95% - This rate is rather high. It is very likely that FMLA is being approved for non-qualifying events.*

Question 2: How many locations do you have?

RESPONSE: *Fulton County operations are housed at four primary locations within the County: the main government center and three service centers. In addition, as a local government, Fulton County operates various park, police, library and senior citizen center facilities throughout the County*

Question 3: How large is the staff that currently administers FMLA leaves?

RESPONSE: *Fulton County currently administers the FMLA in a semi-centralized fashion. The Personnel Department, through its Records Administration (Payroll) Division, has primary responsibility for administering the County's FMLA policy and procedures on behalf of the departments operating under shared services. There are six (6) individuals in the Personnel Department who evaluate all FMLA requests and issues notifications of approval, denial and need for additional information or clarification. Each department still has a Human Resources Liaison, however, who is responsible for keeping the department head, supervisors and managers abreast of FMLA approval dates and frequencies for employees within their supervision. There are approximately forty-four (44) HR Liaisons.*

Question 4: What other types of leaves do you track? ADA? Jury Duty? Military?, Bereavement? Personal Leave? Others? Please provide detail on Fulton County's specific policies.

RESPONSE: *Fulton County offers the following categories of leave to employees: Sick, Vacation, Emergency, Injury, Military, Compensatory, Official, Court, Holiday, Leave without Pay (LWOP) and Election Poll Workers. The Personnel Regulations and/or Policies describing Fulton County's leave program are attached hereto.*

Question 5: Is your short-term disability self-administered? Do you all work with a carrier? If so, who is your carrier?

RESPONSE: *Fulton County has several STD carriers as this is a voluntary benefit for employees. They are AFLAC, ALLSTATE, Colonial Life, Texas Life, and Boston Mutual*

Question 6: Does your company-specific FMLA policy have any enhanced provisions?

RESPONSE: *A copy of the FMLA Policy and Procedure, which is closely patterned after the federal law, is attached. The policy does entitle employees who are eligible to accrue leave to use up to twenty-four (24) hours of vacation and/or holiday leave in a twelve month period to participate in school activities of their child/children where activities, including parent-teacher conferences, interviewing for a new school, spending a day in a child/children classroom or attending field trips, and/or accompanying an elderly relative to routine medical appointments or other professional services related to their care, such as interviewing nursing homes or group homes.*

Question 7: Do you currently combine FMLA processes with disability processes?

RESPONSE: *I am not certain that I understand this question. Employees who are unable to return to leave upon exhaustion of their 12 weeks of FMLA are advised that they may be qualify for a reasonable accommodation under the ADA and are informed that they may contact the Office of Diversity and Civil Rights Compliance to determine whether a reasonable accommodation is available.*

Question 8: Are there specific state laws that you have to deal with?

RESPONSE: *There are no state laws pertaining to family and medical leave.*

Question 9: Why are you looking at outsourcing this activity?

RESPONSE: *Although the FMLA Leave Administrators within the Personnel Department are responsible for receiving and processing FMLA requests, managing and tracking FMLA leaves, and communicating return to work dates to the employee and department, Fulton County lacks a centralized way for employees to notify the County of their intent to use "intermittent" FMLA. Consequently, current tracking of intermittent FMLA leave frequencies and absences is challenging and far from ideal, often resulting in inconsistent timekeeping. Moreover, the need for recertification of intermittent leave is not flagged consistently. Outsourcing FMLA administration to subject matter experts will relieve Fulton County of many of the administrative, legal and regulatory burdens of complying with the complicated FMLA rules and regulations.*

Question 10: Have disability carriers been invited to participate in this RFP?

RESPONSE: *No*

ACKNOWLEDGEMENT OF ADDENDUM No. 2

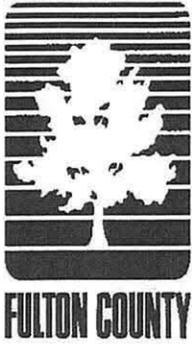
The undersigned proposer acknowledges receipt of this addendum by returning one (1) copy of this form with the proposal package to the Department of Purchasing & Contract Compliance, Fulton County Public Safety Building, 130 Peachtree Street, Suite 1168, Atlanta, Georgia 30303 by the RFP due date and time **Tuesday, August 23, 2016 at 11:00 A.M.**

This is to acknowledge receipt of Addendum No. 2, _____ day of _____, 20__.

Legal Name of Bidder

Signature of Authorized Representative

Title



POLICY AND PROCEDURE

SUBJECT: Family and Medical Leave Act (FMLA)
Policy and Procedure 100-40

DATE: June 4, 2014

NUMBER: 100-40

PURPOSE:

The Family and Medical Leave Act (FMLA) is a federal mandate requiring covered public and private sector employers to provide eligible employees with a maximum of twelve weeks of leave as a result of the employee's own serious health condition; the serious health condition of a spouse, parent, or child; or the birth or placement of a child and to return the employee to either the same or an equivalent position. In an effort to minimize the financial impact upon employees and their families, Fulton County requires employees to utilize any vacation, sick, and/or holiday leave available prior to being placed on unpaid status during family leave.

This policy is intended to assist employees in achieving the delicate balance between work life and family matters by providing leave for special health or family related needs. This policy is also intended to encourage a more satisfied and productive work force as the result of increased family stability and economic security.

POLICY:

It is the policy of Fulton County Government to provide eligible employees with leave for qualifying reasons to attend to family needs and to assure those employees that they will be able to return to work into the same or an equivalent position with all of the same benefits, pay, and terms and conditions of employment.

It is further the policy of Fulton County Government to comply fully with each and every requirement as set forth by the Family and Medical Leave Act without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, or political affiliation.

ELIGIBLE EMPLOYEES:

Any and all Fulton County employees who have:

- (A) Been employed with Fulton County for a minimum of twelve (12) months; and
- (B) Worked for a minimum of twelve hundred and fifty (1,250) hours during the immediately preceding twelve months.

REASONS FOR WHICH FAMILY AND MEDICAL LEAVE MAY BE GRANTED:

- (A) The birth of a child and to care for the newborn child;
- (B) Placement of a child for adoption or foster care;
- (C) To care for a spouse, child, parent, or a certified committed domestic partner as defined in Chapter 154, Article V of the Fulton County Code with a serious health condition;
- (D) To care for the employee's own serious health condition **which renders the employee unable to perform one or more of the essential functions of his/her job;**

INITIAL CERTIFICATION OF A "SERIOUS HEALTH CONDITION":

A "serious health condition" refers to an illness, injury, impairment, or physical or mental condition which requires any one of the following:

- (A) An overnight stay at a hospital, hospice or residential medical care facility; or
- (B) A period of incapacity of at least four calendar days combined with either of the following:
 - (1) Any period of incapacity relating to the same condition which requires treatment at least two times by a nurse or physician's assistant under the direct supervision of a health care provider;
 - (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider;
- (C) Any period of incapacity as a result of pregnancy or the necessity for prenatal; care; or
- (D) Any period of incapacity or treatment which meets any one of the following criteria:
 - (1) Required periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under the direct supervision of a health care provider;
 - (2) Continues over an extended period of time (this includes recurring episodes of a single underlying condition);
 - (3) Causes episodic rather than a continuing period of incapacity.
- (E) A period of incapacity which is long-term due to a condition for which treatment may not be effective (e.g.: Alzheimer's, a severe stroke or the terminal stages of a disease); or

- (F) Any period of absence to receive multiple treatments by a health care provider.

Upon an employee's absence for a minimum period of four (4) calendar days, the Appointing Authority or his/her designee shall send an employee a Certification Form, via certified mail, along with instructions for the employee to have the form completed by his/her health care provider (or by the parent's, child's, spouse's, or certified committed domestic partner's health care provider when the absence is the result of the employee caring for a family member with a serious health condition) and returned to the Appointing Authority within fifteen calendar (15) days so that the Appointing Authority may determine whether or not the leave must be charged as Family and Medical Leave. This requirement is applicable in all situations other than those situations in which (i) an employee is on approved vacation, holiday, or compensatory leave or (ii) an employee has "called in sick" and, upon inquiry, has informed the Appointing Authority that the condition is not sufficiently severe to require the services of a health care provider.

At no time may a supervisor contact an employee's health care provider, either directly or indirectly. All contact with an employee's health care provider must be made by the employee or by a health care provider representing Fulton County solely for the purpose of clarifying and/or authenticating the Certification or the terms thereof.

Any employee who requires Family and Medical Leave for the purpose of caring for a seriously ill spouse, child, parent or certified committed domestic partner may be required to obtain the same certification from the family member's health care provider.

At the request of the Appointing Authority or his/her designee(s), a health care provider representing Fulton County shall contact the employee's health care provider, with the employee's written permission, solely for the purpose of clarifying and/or authenticating the Certification or the terms thereof.

1. Second Opinion of Initial Certification

At the sole discretion of the Appointing Authority, an employee seeking certification maybe required to submit to a medical examination such that a second opinion may be rendered as to the employee's entitlement to certification. This "second certification" will be at the expense of the County. When the Appointing Authority determines, for good cause, that a second opinion shall be required, then he/she must contact the Finance Department to arrange for funding for the second opinion. The Finance department shall make the required funds available.

Pending the opinion of the second physician, the employee will be provisionally entitled to the benefits and protections afforded by certification.

Should the required documentation ultimately establish that the employee is not entitled to certification, then any time off will be counted against the employee's sick leave balance and, in the absence of an available sick leave balance, the employee's vacation and/or holiday leave balance and the time taken will not be designated as Family and Medical Leave. At any time, the employee may request, in writing, that his/her compensatory time be charged.

Otherwise, leave in excess of accumulated balances shall be charged as leave without pay. Should the required documentation ultimately establish that the employee is entitled to certification, then any time off will still be counted against the employee's sick leave balance and, in the absence of an available sick leave balance, the employee's vacation and/or holiday leave balance. However, the time taken will additionally be designated as protected Family and Medical Leave. At any time, the employee may request, in writing, that his/her compensatory time be charged. Otherwise, leave in excess of accumulated balances shall be charged as leave without pay.

Upon a written request, the County shall furnish the employee with a copy of the examining physician's conclusions within 7 business days of receipt of the employee's request.

2. Third & Binding Opinion on Initial Certification

Should the conclusions of the second examination contradict the conclusions of the initial examination, at its sole discretion, the Appointing Authority may require the employee seeking initial certification to submit to a third and binding medical examination. This third and binding examination will also be at the expense of the County. The health care provider conducting the examination will be a health care provider agreed upon by the County and the employee. When the Appointing Authority determines, for good cause, that a third opinion shall be required, then he/she must contact the Finance Department to arrange for funding for the third opinion. The Finance Department shall make the required funds available.

Pending the certification decision of the final physician, the employee will remain provisionally entitled to the benefits and protections afforded by certification.

Should the employee fail to act in good faith in making a selection concerning the appropriate physician, then the employee shall be bound by the determination of the second examination.

Should the required documentation ultimately establish that the employee is not entitled to certification, then any time off will be counted against the employee's sick leave balance and, in the absence of an available sick leave balance, the employee's vacation and/or holiday leave balance and the time taken will not be designated as Family and Medical Leave. At any time, the employee may request, in writing, that his/her compensatory time be charged. Otherwise, leave in excess of accumulated balances shall be charged as leave without pay.

Should the required documentation ultimately establish that the employee is entitled to certification, then any time off will still be counted against the employee's sick leave balance and, in the absence of an available sick leave balance, the employee's vacation and/or holiday leave balance. However, the time taken will be additionally designated as protected Family and Medical Leave. At any time, the employee may request, in writing, that his/her compensatory time be charged. Otherwise, leave in excess of accumulated balances shall be charged as leave without pay. Upon written request, the County shall furnish the employee with a copy of the examining health care provider's conclusions within seven (7) business days of the employee's written request.

3. Storage of Records Received as a Result of Second and/or Third Examinations

Employee records reflecting any medical information which are received by the County shall be stored by the Personnel Director in the Personnel Department in a file separate from the employee's official personnel file. The Personnel Director is responsible for insuring the confidentiality of the information contained in the employee's medical file.

4. Re-Certification

Under the following circumstances, and solely at the discretion of Fulton County, re-certification of an employee's entitlement to Family and Medical Leave may be required of the employee:

- (A) For pregnancy, chronic, or long-term conditions under the supervision of a health care provider, the County may require re-certification every thirty (30) days unless:
 - (1) The circumstances which originally justified certification have changed significantly (for better or for worse); or
 - (2) The County receives/possesses information which tends to cast doubt upon the employee's stated reasons for the absence(s).

In the event that one or both of the above situations exist, the County reserves the right to require re-certification at any time.

- (B) For any other situations, and as allowed by law, the County may require re-certification under the following circumstances:
 - (1) The employee requests an extension of leave;
 - (2) The circumstances which originally justified certification have changed significantly (for better or for worse);
 - (3) The County receives/possesses information which tends to cast doubt upon the employee's stated reasons for the absence(s).
- (C) Any re-certification documentation shall be furnished by the employee at the employee's expense.
- (D) The employee must submit the re-certification within fifteen (15) days of a written request for such re-certification.
- (E) The County will not require second and/or third examinations to either confirm or refute the opinion of the physician submitting a response to a re-certification request.

METHODS AND AMOUNT OF LEAVE AVAILABLE:

1. Amount of Leave Available as Family and Medical Leave

Depending upon the reason for the leave and conditions, an employee is entitled to a maximum of twelve weeks per year of Family and Medical Leave including any paid and/or unpaid time. A year, as determined by the County, shall be calculated based upon the employee's original date of hire. Effective January 1, 2000, the method utilized to calculate a "year" shall change. Effective January 1, 2000, a year, as determined by the County, shall be the calendar year from January 1 to and through December 31.

For employees who normally work part-time schedules, the amount of leave to which the employee is entitled is determined on a pro rata or proportional basis by comparing the new schedule with the employee's normal schedule. For example, if an employee normally works 30 hours per week and, while on Family and Medical leave, then works only 20 hours per week, the employee's 10 hours of leave would constitute 1/3 of a week of FMLA.

2. Concurrent Leave

While on Family and Medical Leave, an employee may be required to exhaust all paid vacation, holiday, and/or sick leave before they go on unpaid leave. The employee may make a written request to utilize accrued compensatory time concurrently and any such request shall be granted. Therefore, the employee may concurrently be on vacation, holiday, sick and/or compensatory leave and Family and Medical Leave.

3. Intermittent Leave

Intermittent leave under the Family and Medical Leave Act is available, when medically required. Intermittent leave is taken in separate blocks of time because of a single qualifying health condition. If this leave is requested as a result of the birth or placement of a child, the Appointing Authority is not required to grant the request.

4. Reduced Leave

A reduced leave schedule under the Family and Medical Leave Act is available, when medically required. Reduced leave may reduce an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a limited period of time, usually from full-time to part-time. If this leave is requested as a result of the birth or placement of a child, the Appointing Authority is not required to grant the request.

5. Calculation of Intermittent and Reduced Leave

Only the amount of leave actually taken will be counted toward an employee's twelve week entitlement. For example, if an employee normally works five days per week and takes one day off, then the employee has utilized 1/5 week of his/her entitlement.

For employees who normally work part-time schedules, the amount of leave to which the employee is entitled is determined on a pro rata or proportional basis by comparing the new schedule with the employee's normal schedule. For example, if an employee normally works 30 hours per week and, while on Family and Medical leave, then works only 20 hours per week, the employee's 10 hours of leave would constitute 1/3 of a week of FMLA.

For employees with schedules which vary from week to week, an average of the weekly hours worked over the immediately preceding twelve weeks will be used as the employee's "normal" workweek.

It shall be the responsibility of each Appointing Authority, or his/her designee (such as the departmental payroll clerk), to calculate all Family and Medical Leave, including intermittent and/or reduced leave, taken pursuant to this policy and procedure.

6. Paid or Unpaid Leave

While on Family and Medical Leave, an employee is required to exhaust all paid sick, vacation and/or holiday leave before they may go on unpaid leave. Additionally, the employee may choose to utilize accrued compensatory time and may request use of such time in writing. An Appointing Authority shall grant any and all such requests.

NOTICE REQUIREMENTS:

1. Fulton County:

- (A) Fulton County shall provide an employee with written notice of the designation of leave as protected Family and Medical Leave;
- (B) Fulton County shall provide an employee with written instructions regarding the requirements for the employee to furnish medical certification of a serious health condition;
- (C) Fulton County shall provide an employee with notice regarding the consequences of the employee's failure to provide the requested medical certification of a serious health condition;
- (D) Fulton County shall provide an employee with information regarding the County's policy with regard to substitution of paid leave during any time taken pursuant to Family and Medical Leave;
- (E) Fulton County shall provide an employee with notice regarding an employee's responsibility to continue making premium payments to maintain health benefits and shall designate where the employee shall send those payments during the period of Family and Medical Leave;
- (F) Fulton County shall provide an employee with notice, prior to the employee's absence, regarding any departmental requirement that the employee present a fitness for duty certification upon his/her return to work;

- (G) Fulton County shall provide an employee with information regarding the employee's right to restoration to the same or an equivalent job upon his/her return from leave.

2. Employee:

- (A) The employee shall be required to provide his/her Appointing Authority with a minimum of thirty (30) days notice for any Family and Medical Leave which is foreseeable.
- (B) The employee shall be required to provide his/her Appointing Authority with notice of the need for Family and Medical as soon as is practicable when the leave is not foreseeable, i.e.: within two (2) business days.
- (C) The employee shall be required to return a completed "Certification Form" to the Appointing Authority within fifteen (15) days of receipt of that form

CONTINUATION OF BENEFITS DURING EMPLOYEE'S ABSENCE:

Fulton County shall maintain all of an employee's benefits under the same terms and conditions as if the employee were not on Family and Medical Leave; provided, however, that it shall be the responsibility of the employee to arrange, through the Finance Department, to make his/her regular contributions to his/her health coverage. Should the employee fail to make such contributions, Fulton County reserves the right to "drop" the employee from coverage during his/her leave.

Upon reinstatement, Fulton County shall provide the same level of coverage as prior to the leave with no qualifying periods, physical examinations, or exclusions of pre-existing conditions.

REINSTATEMENT:

If, upon expiration of the employee's Family and Medical Leave, the employee is able to return to work and perform the essential functions of his/her position, then that employee shall be restored to his/her original position or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

If, upon expiration of the employee's Family and Medical Leave, the employee is not able to return to work and perform the essential functions of his/her position, then that employee shall have no right to restoration to another position under this policy and procedure. In this situation, the employee may choose to request Leave without Pay, pursuant to PR-1200-11 or to investigate his/her options under the Americans with Disabilities Act by contacting the Office of Disability Affairs; or may be separated without Prejudice pursuant to PR-800-8.

1. Alternative Positions

When an employee needs intermittent leave or a reduced leave schedule the Appointing Authority has the right, at his/her sole discretion, to temporarily transfer the employee to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. No employee will be subjected to any reduction of salary as the result of such a temporary reassignment, regardless of the fact that the alternative duties may potentially differ significantly from the employee's regularly assigned duties.

Upon completion of the employee's need for intermittent leave or a reduced leave schedule, the employee shall be returned to either (i) his/her original position; or (ii) an equivalent position.

2. Return to Work Certification

If the Appointing Authority has a written departmental policy requiring employees returning from periods of illness to provide a return to work clearance, then the Appointing Authority may also require an individual returning from an absence covered by Family and Medical Leave to provide such a clearance.

ADDITIONAL FAMILY AND MEDICAL LEAVE PROVISIONS

Notwithstanding the previous policies and procedures, any employee eligible to accrue leave shall be allowed a maximum of twenty-four (24) hours of vacation and/or holiday leave in a twelve month period to participate in school activities of their child/children where activities are directly related to the educational advancement of their child/children such as parent-teacher conferences, interviewing for a new school, spending a day in a child/children classroom or attending field trips, and/or accompanying an elderly relative to routine medical appointments or other professional services related to their care, such as interviewing nursing homes or group homes. Upon the written request of the employee, compensatory time shall be granted for the above stated reasons. Employees not eligible to accrue leave shall be granted the same maximum of twenty-four (24) hours of leave without pay to accomplish the above.

This twenty-four (24) hour period shall not be accrued towards an employee's previously described twelve week entitlement.

FMLA AND THE AMERICANS WITH DISABILITIES ACT

Employees who are certified as a "qualified individual with a disability" by the Office of Disability Affairs at the time they request Family and Medical Leave are required to send a copy of their Family and Medical Leave Certification Form to the Director of the Office of Disability Affairs within three working days of its submission to the employee's Appointing Authority.

Furthermore, Appointing Authorities who are aware of an employee who is receiving reasonable accommodations as a result of their certification by the Office of Disability Affairs are required to

submit all requests for Family and Medical Leave, from that employee, to the Director of the Office of Disability Affairs.

FMLA AND WORKER'S COMPENSATION:

In many situations, an employee who is taking time off as the result of an injury which is compensable under worker's compensation will also be protected by the provisions of the Family and Medical Leave Act. In these situations, it is the responsibility of the Appointing Authority to determine whether an employee is eligible for protection under the Family and Medical Leave Act and to designate the leave as Family and Medical Leave.

Employees on worker's compensation are entitled to choose to either utilize vacation and/or sick leave or to receive payment from worker's compensation. Workers who have opted for payment from worker's compensation in lieu of utilizing vacation and/or sick leave and who are also on Family and Medical Leave will not be required to utilize their vacation and/or sick leave simultaneously. However, they will still be required exhaust their vacation and/or sick leave once worker's compensation payments end and before they request any leave without pay.

PROHIBITION OF RETALIATION:

Fulton County does not condone, and will not tolerate, any adverse action being taken against an employee because of that employee's exercise or attempt to exercise his/her rights under the Family and Medical Leave Act. No employee of Fulton County will be subjected to any adverse action because of that employee's bona fide opposition to or complaint about any alleged unlawful practice under the FMLA. Finally, no employee will be subjected to any adverse action as a result of giving any information and/or testimony relating to any rights under the Family and Medical Leave Act.

References: Revised by the BOC on June 4, 2014, Agenda Item #14-0409

Departments Affected: All Departments and Offices of Appointed or Elected Officials

1200 – SERIES
LEAVES AND HOLIDAYS

PR - 1200 - 1 - Leave Administration.

(1) The Personnel Director shall be responsible for the administration and enforcement of leave regulations and related procedures and for the maintenance of an official master record of all leave accruals, usage and balances. Requests for leaves of absence in all categories shall be submitted by employees through normal channels of supervision to Appointing Authorities in accordance with County policies and procedures. Appointing Authorities shall be responsible for adherence to approved leave policies in their respective areas of responsibility. Approval and scheduling of leave time shall be the responsibility of the respective Appointing Authorities.

(2) Entitlement and eligibility requirements in effect on the effective date of these regulations shall be continued in force and effect indefinitely, subject to such future amendments as may be approved by the Board of Commissioners.

*** PR - 1200 - 2 - Vacation Leave.**

(1) Employees occupying permanent positions shall earn and accrue vacation leave based upon active creditable service, at the rates specified below. Vacation leave may be accumulated to a maximum number of standard hours; provided, however, that any accrued vacation leave in excess of that amount may be added to earned/accrued sick leave balances.

VACATION ACCRUAL RATES

| Years of active Creditable Service | 80 Hour Employee | 85 Hour Employee | 106 Hour Employee |
|---------------------------------------|---------------------|---------------------|---------------------|
| EOD through 3 years | 4.37 hrs per pay pd | 4.54 hrs per pay pd | 6.55 hrs per pay pd |
| 3 through 8 years | 5.33 hrs per pay pd | 5.53 hrs per pay pd | 8.18 hrs per pay pd |
| 8 years and over (max.) | 6.28 hrs per pay pd | 6.52 hrs per pay pd | 9.42 hrs per pay pd |

Maximum accrual: 360 standard hours (80 hour Employees); 382 standard hours (85 hour Employees); and 540 standard hours (106 hour Employees).

(2) Earned vacation leave may be taken upon approval by the Appointing Authority or by a designated supervisor. Leave requests shall be granted at the convenience of the employee whenever possible; provided, however, that primary consideration shall be given to the maintenance of an adequate staff to perform required services at all times. Earned vacation leave may be authorized for all permanent employees including appointed department heads, except those who may be specifically exempt.

(3) Eligible employees who are in a pay status for less than one (1) full bi-weekly pay period shall have their vacation accrual prorated, based upon the actual number of "standard hours" to be paid during that pay period.

*** Recommended by Personnel Board and approved by the Board of Commissioners effective September 18, 2013.**

PR - 1200 - 3 - Sick Leave.

(1) Eligible employees who are entitled to vacation leave as specified in PR-1200-2 shall be granted sick leave to be accrued at the rate of 3 hours and 42 minutes for each full bi-weekly pay period (3.55 for 85 hour employees; and 5.33 for 106 hour employees) of active creditable service in addition to any excess vacation time that may be credited to the sick leave balance. Sick leave for employees who are in a pay status for periods less than one (1) full bi-weekly pay period shall be calculated in the same manner as for vacation leave. A physician's certificate may be required to substantiate periods of absence of any duration of sick leave or emergency leave, upon the request of the Appointing Authority concerned; provided, however, that a physician's certificate must be furnished for all injury leave.

(2) Upon approval, an employee may utilize sick leave because of personal illness, family leave, convalescence, non-occupational injury, exposure to contagious disease that might endanger the health of others, dental or vision treatment, preventive medical care, and for personal emergencies justifying emergency leave (PR-1200-4).

(3) Unless a physician's certificate is furnished by an employee, sick leave of any duration which begins after submission of a resignation or after notification of termination shall be charged against accrued vacation leave, compensatory leave, holiday leave, or in the absence thereof, to leave without pay (LWOP). Sick leave shall not be taken after the last day on duty when being separated, except for employees who die or who are retiring for disability reasons, or who are on an extended leave of absence without pay because of illness, family leave, or convalescence leave.

(4) Absences resulting from pregnancy/ maternity or related illnesses shall be considered as bona fide illnesses. Absences for this reason shall be counted as Leave on Account of Illness or Convalescence.

PR - 1200 - 4 - Emergency Leave.

(1) Employees who are entitled to sick leave may be granted emergency leave not to exceed 120 "standard hours" per calendar year (85 hour employees - 127 hours; and 106 hour employees - 180 hours), chargeable as sick leave with pay in cases of bona fide emergencies resulting from any of the following reasons, conditions, and circumstances:

(a) Serious illness or death of a member of the employee's immediate family, whether or not such member is physically residing in the employee's household or elsewhere. Such illness shall require the employee's personal care and attendance as determined by the circumstances in each case.

(b) Family members are defined as follows:
Spouse
Child (Natural or adopted), Step-child, Grandchild,
Great-grandchild
Brother, Sister, Half-brother, Half-sister, Step-brother,
Step-sister
Parent, Grandparent, Great-grandparent, Step-parent
Brother or sister of your mother or father
Son or daughter of your brother or sister
Father-in-law, Mother-in-law, Son-in-law, Daughter-in-law,
Brother-in-law, Sister-in-law
Foster Child
Legal Ward
Common Law Spouse

(c) Enforced medical quarantine of the employee in accordance with community health laws or regulations.

(d) Verification may be required to substantiate periods of absence of any duration of emergency leave upon request of the

Appointing Authority concerned.

PR - 1200 - 5 - Injury Leave.

Injury Leave may be granted to Fulton County employees only in cases involving catastrophic injuries as defined by State Workers' Compensation Law as follows: "A catastrophic injury means any injury which is one of the following: (1) spinal cord injury involving severe paralysis of an arm, leg, or the trunk; (2) an amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of that appendage; (3) a severe brain or closed head injury as evidenced by severe sensory or motor disturbances, severe communication disturbances, severe complex integrated disturbances of cerebral function, severe disturbance of consciousness, severe episodic neurological disorders, or other conditions at least as severe in nature; (4) second or third degree burns over 25% of the body as a whole or third degree burns to 5% or more of the face or hands; (5) total or industrial blindness; or (6) any other injury of a nature and severity that prevents the employee from being able to perform his or her prior work and any work available in substantial numbers within the national economy for where such employee is otherwise qualified." Injuries must arise out of and in the course of employment as defined by law. Injury Leave may be granted only upon written recommendation of the Appointing Authority, reviewed by the Personnel Director, and approved by the County Manager. Any injury leave extending beyond thirty (30) calendar days must also be approved by the Board of Commissioners. A physician's certificate must be furnished for all injury leave requests.

PR - 1200 - 6 - Military Leave.

(1) Fulton County employees who are active members of any Reserve component or unit of the Armed Forces of the United States or of any Reserve component or unit of the organized militia of the State of Georgia, whereby such employees may be required to participate in brief intermittent periods of training and activities, shall be entitled to paid military leave for absences on scheduled work days not to exceed a total of 144 hours annually which shall include all applicable training and travel time. Absences during military leave shall be counted as active creditable service. The term "organized militia" shall include severally the Army National Guard, the Georgia Naval Militia (when organized), the Georgia State Guard (when organized) and shall be deemed to include any unit, component, element, headquarters, staff or cadre thereof, as well as any member or members thereof.

(2) When possible, employees requesting military leave shall submit to the appropriate Appointing Authority, in advance of such leave, a copy of all pertinent military orders or other written statements from the proper military authority ordering said employee to the specified period(s) of active duty for which the leave is requested.

(3) Upon returning from military leave granted under this regulation, such employees shall submit to the Appointing Authority a statement from the applicable military authority showing the number of days served, travel time involved, pay received and other pertinent data as required by the County. Absences during military leave shall be deemed to be active creditable service for purposes of leave accrual and seniority.

PR - 1200 - 7 - Compensatory Leave.*

(1) Non-exempt employees who perform overtime work which exceeds the maximum number of hours prescribed for standard work periods which are established in their respective departments, including work performed on County holidays or official "off time" which exceeds the maximum prescribed number of hours, minus any non-compensable leave taken, shall be entitled to receive either overtime pay at 1.5 times their regular salary rates, or compensatory time at 1.5 standard hours for each hour worked, whichever is applicable under the Fair Labor Standards Act (FLSA); provided, however, that no Appointing Authority shall approve, suffer or permit any compensatory time which exceeds a maximum of 240 standard hours at any time, (not to exceed 480 hours for employees defined as public safety employees by the Fair Labor Standards Act) respectively. Exempt employees shall accrue compensatory time with the prior written approval of the County Manager for only critical time limited projects and/or safety and health emergencies; however, all compensatory time accrued by exempt employees shall be at a straight rate of pay. Employees who have accrued compensatory time shall, upon their request, be allowed to use some or all of such time within a reasonable period following such accrual, subject to approval of the Appointing Authorities concerned, provided, however, that all personal (vacation) leave time taken shall be charged by such employees to their accrued compensatory time balances unless otherwise exempted by the County Manager.

(2) Upon being retired or otherwise separated, employees with accrued compensatory time shall be entitled to receive pay for not to exceed 240 standard hours of accrued compensatory leave or not to exceed 480 hours for employees defined as public safety employees by the Fair Labor Standards Act (FLSA), when certified by the Appointing Authority concerned; however, all unused compensatory time shall be paid out at a rate of compensation not less than – (1) the average regular rate received by such employee during the latest three years of the employee's employment, or (2) the final regular rate received by such employee, whichever is greater.

(3) The Fulton County Board of Commissioners, at its discretion may pay out all or any part of compensatory time earned by an employee at anytime it deems necessary.

(4) At such time that an employee is offered a promotional opportunity, the Personnel Department shall petition the Finance Department prior to the effective date of the promotion for a full or partial payout of any unused compensatory time.

(5) The executor of the estate of any employee who dies shall be paid for not to exceed 240 hours of accrued compensatory leave or not to exceed 480 hours of accrued compensatory leave for employees defined as public safety employees, when certified by the Appointing Authority concerned.

*** Revised by Personnel Board and Board of Commissioners effective August 23, 2006.**

PR - 1200 - 8 - Official Leave.

Upon approval by an Appointing Authority, employees may be granted official leave with pay for the purpose of transacting official County business, to include attendance at meetings or brief courses of instruction directly related to their assigned duties and deemed to be in the best interest of the County. Official leave shall be granted independently of other categories of leave specified in these regulations and shall not accrue. Such leave shall be counted as active creditable service and shall be substantiated by appropriate documentation.

PR - 1200 - 9 - Court Leave.

An employee shall be entitled to court leave without loss of pay or time for all days during which he/ she shall be subpoenaed by any court, federal, state or political subdivision thereof, to serve as a juror or witness, provided, however, that such leave shall not be granted to any employee who is a party to litigation. Employees on court leave shall be entitled to retain all remuneration received for such service, in addition to their regular pay. Court leave shall be granted independently of other categories of leave specified in these regulations and shall not accrue. Such leave shall be counted as active creditable service and shall be substantiated by appropriate documentation.

PR - 1200 - 10 - Holidays.

(1) Official County holidays with pay shall be designated and observed for all employees as approved by the Board of Commissioners and announced publicly. A holiday is equivalent to the number of hours in an employee's regular shift. In order to qualify for holiday pay, an employee must have been in a pay status immediately before and immediately after the holiday. "Pay status" is defined as either working on the scheduled workday or being on approved paid leave in any paid category.

(2) Designated holidays which occur on a Saturday shall be observed on the preceding Friday; those which occur on a Sunday shall be observed on the succeeding Monday.

(3) Employees who may be required to work on a County holiday which falls on the employee's regular work day, may be compensated with "Holiday" time at 1.0 hour for each hour worked.

(4) If the holiday falls on an employee's officially scheduled off day, the employee shall be granted 1.0 hour "Holiday" time for each hour in the employee's regular shift.

(5) Employees who perform work which exceeds the maximum number of hours prescribed for the standard work week and/or including any work which is performed on County holidays or on official "off time" which exceeds the maximum prescribed number of hours, minus any non-compensable leave time taken, shall be entitled to receive either compensatory time at 1.5 standard hours for each hour worked, or overtime pay at 1.5 times their regular hourly rate.

PR - 1200 - 11 - Leave of Absence Without Pay (LWOP).

(1) Upon approval by an Appointing Authority, an employee may be granted a Leave of Absence Without Pay (LWOP) for cogent reasons, not to exceed six (6) consecutive months, provided, however, that the Personnel Board may approve a one-time extension of up to an additional six (6) months for a total absence of one (1) consecutive year, which shall constitute the maximum allowable amount of such leave. Examples of cogent reasons are illness, convalescence, emergencies, family leave, personal reasons, educational pursuits, or to run for Public Office, provided, however, that any non-elected employee (Classified or Unclassified) who runs for any Public Office shall be placed on a Leave of Absence Without Pay (LWOP), and provided further that if such employee is elected, he/she shall be separated from Fulton County employment effective as of the date of being sworn into such office (See definition of "Public Office" in PR-1900-Definitions).

(2) At the expiration of such Leave of Absence Without Pay (LWOP), the employee shall be reinstated without loss of rights, provided, however, that all leave without pay in excess of 240 hours shall constitute a break in the employee's active creditable service.

(3) Leave of Absence Without Pay (LWOP) shall not be granted until the exhaustion of the employee's accumulated vacation leave, compensatory leave, and/or holiday leave except in the following cases:

Family Leave (Leave of Absence Without Pay granted upon exhaustion of accumulated sick leave, vacation leave, and holiday leave). Note: Employee can request payment for all accumulated compensatory leave.

Public Office (Employee has the option to freeze accumulated

vacation leave, compensatory leave, and/ or holiday leave or to accept payment for such leave).

If the Leave of Absence Without Pay (LWOP) is due to convalescence, the employee may opt to use only a portion of accrued sick leave but shall exhaust accumulated vacation leave, compensatory leave, and/ or holiday leave. If the employee requests a Leave of Absence Without Pay (LWOP) due to illness, such Leave of Absence Without Pay (LWOP) cannot be granted until the employee has exhausted all categories of accrued leave.

PR - 1200 - 12 - Transfer of Leave.

(1) Transfer of leave may be approved only when an employee has exhausted all categories of accrued leave and is unable to work for health reasons.

(2) Only vacation, compensatory leave, and holiday leave can be transferred into a recipient's sick leave balance. Transferred leave must be in whole hours only.

(3) Transfer requests are limited to three (3) per calendar year not to exceed eighty (80) hours per request. All transfer requests must be accompanied by an original physician's statement.

(4) The donor employee must retain a minimum vacation leave balance of eighty (80) hours.

(5) Transfer of hours is final and cannot be reversed.

(6) Copy of completed form must be submitted to employee's Department Head for payroll purposes only.

PR - 1200 - 13 - Separation Leave.

(1) An employee who is dismissed, resigns, retires, is laid off, or whose appointment has expired, shall receive pay for all accrued vacation leave, compensatory leave and/or holiday leave to which he or she was entitled at the time of such separation, payable on the payday following the issuance of the final check for hours worked.

(2) An employee who retires for physical or mental disability may utilize all unused accrued sick leave, vacation leave, compensatory leave, and/or holiday leave to which he or she was entitled at the time of such retirement.

(3) An employee who dies while in the County service shall have paid to his/ her executor of the estate the value of all unused accrued leave balances for vacation leave, sick leave, compensatory leave and/ or holiday leave.

PR - 1200 - 14 - Leave for Rehires.

(1) Sick leave balances shall be restored for those employees who are reemployed within three (3) years of their most recent separation from a permanent classified/ unclassified appointment.

(2) Employees who are reemployed within three (3) years of their most recent separation from a Fulton County permanent classified/ unclassified appointment shall be entitled to the bridging of service time for vacation accrual rates.

PR - 1200 - 15 - Family Leave.

Eligible employees may be granted a maximum of twelve (12) weeks of leave as a result of the employees own serious health condition; the serious health condition of a spouse, parent, or child; or the birth or adoption of a child as governed by Policy & Procedure 100-40, Family and Medical Leave Act (FMLA).

PR - 1200 - 16 - Miscellaneous Leave Provisions.

(1) An employee transferring from one department to another shall be credited with all accrued leave in accruable categories.

(2) Sick leave shall continue to accrue while an employee is on paid leave in any other leave category, except when being separated.

(3) Vacation leave shall continue to accrue while an employee is on paid leave in any other leave category, except when being separated.

(4) When an illness occurs during an approved vacation or other accruable leave period, appropriate adjustments to the employee's leave records may be made as necessary upon return to work.

(5) An employee on paid leave of absence in any category specified in these regulations shall be given appropriate salary adjustments which may have occurred during such absence upon return to work from such leave.

(6) Whenever an employee is indebted to the County, the amount of such indebtedness may be deducted from salary due or from accrued vacation leave, or both of these.

(7) Leave shall not be credited or taken in any category until after the end of the accrual period during which it is earned.

(8) Paid time off shall be granted to blood donors at the rate of 4.0 standard hours for each such donation, chargeable as "Other Leave", to be taken at the convenience of the Appointing Authority concerned.

(9) Paid time off to vote in any election in which an employee is eligible to vote shall be granted by Appointing Authorities for 1.0 standard hour for each such election, chargeable as "Other Leave."

(10) When an unclassified employee who accrues leave accepts an appointment in a position which does not accrue leave, the employee has the option to be paid his/ her accumulated vacation, compensatory and/ or holiday leave at the time of accepting the new appointment or to freeze the leave balances until such time that the employee separates from the County or accepts an appointment in which leave can be accrued.

PR - 1200 - 17 - Leave Reporting.

All approved paid leave time in any category whatsoever shall be certified by Appointing Authorities and reported electronically in terms of "standard hours" (PR-300-11) for the preceding pay period. Time sheets, leave slips and related documentation such as military orders, subpoenas, and letters of authorization shall be retained by the Appointing Authorities at the department level after such absences have been approved and reported on payrolls. Such records shall be retained for at least three (3) years, in addition to the current year. No leave shall be approved or reported in excess of current accrued leave balances as reflected in official leave records. Periodic internal and external audits of the leave records in each department may be scheduled and conducted to insure that all leave regulations are being properly followed and enforced.

PR - 1200 - 18 - Election Poll Workers Leave.*

Notwithstanding the provisions of PR-700-9, an employee shall be entitled to election poll workers leave without loss of pay or time for all time during which he/she shall work as an election poll worker for any election conducted by the Registration and Elections Department. Employees on election poll workers leave shall be entitled to retain all remuneration received for such service, in addition to their regular pay. Election poll workers leave shall be granted independently of other categories of leave specified in these regulations and shall not accrue. Such leave shall be counted as active creditable service and shall require prior approval by the employee's Appointing Authority.

*** Approved by Personnel Board and Board of Commissioners effective October 17, 2001.**