

Livingston County Michigan Human Resources Policy Manual

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| Section: Subject: | Vacation Time |
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A. POLICY

1. PURPOSE:

To provide eligible employees paid time off from work and describe when vacation benefits shall be granted.

2. POLICY STATEMENT:

Livingston County provides vacation time to eligible employees for personal, family, community and other outside needs and obligations. Vacation time must be both approved and recorded by the employee's supervisor/department head to ensure appropriate staffing while providing a balance of the interests of both the employees and the County.

3. APPLICABILITY:

All non-union employees regularly scheduled and classified/budgeted to work 21 hours or more per week are eligible for this benefit. Interns, co-op students, temporary or seasonal employees are not eligible for paid vacation time.

4. DEFINITIONS:

5. REFERENCE AND LEGAL AUTHORITY:

Fair Labor Standards Act (FLSA)

6. SEE ALSO:

Personnel Policy regarding Personnel Record Keeping
Personnel Manual for Non-Union Employees – Section I - N. Department Rules
Personnel Manual for Non-Union Employees – Section V – J. Work Rules
Personnel Manual for Non-Union Employees – Grievance Procedure
Personnel Manual for Non-Union Employees – Section IV – C. Family and Medical Leave Act (FMLA)
Personnel Policy regarding Sick Leave
Personnel Policy regarding Recovery or Overpayment
Internal Revenue Service Code: Section 125, Prop. Tres Reg 1.125-2
Personnel Policy regarding Re-employment after MERS Retirement

7. SUPERSEDES:

2008-07-199

8. APPROVED BY:

Personnel Committee: September 3, 2008
Finance Committee: September 11, 2008
Board of Commissioners: September 15, 2008

9. RESOLUTION:

No. 2008-09-269

10. REVIEW HISTORY:

B. PROCEDURE:

Non-union employees who regularly work 21 hours or more and are classified/budgeted as such will receive paid vacation time.

Eligible employees shall accrue, on a bi-weekly pay period basis, paid vacation days in accordance with the following schedule:

| <u>Scheduled 40 hours per week</u> | <u>Yearly</u> | <u>Per Pay Period</u> |
|------------------------------------|---------------|-----------------------|
| 1 through 4 years of service | 12 days | 3.70 hours |
| 5 through 9 years of service | 17 days | 5.24 hours |
| 10 or more years of service | 22 days | 6.78 hours |

| <u>Scheduled 30-39 hours per week</u> | <u>Yearly</u> | <u>Per Pay Period</u> |
|---------------------------------------|---------------|-----------------------|
| 1 through 4 years of service | 9 days | 2.77 hours |
| 5 through 9 years of service | 11.5 days | 3.54 hours |
| 10 or more years of service | 16.5 days | 5.08 hours |

| <u>Scheduled 21-29 hours per week</u> | <u>Yearly</u> | <u>Per Pay Period</u> |
|---------------------------------------|---------------|-----------------------|
| 1 through 4 years of service | 5 days | 1.54 hours |
| 5 through 9 years of service | 7.5 days | 2.31 hours |
| 10 or more years of service | 10 days | 3.08 hours |

Personnel who have not completed six (6) months of service are not eligible for vacation days. However, employees will be credited with the appropriate number of vacation days upon their successful completion of six (6) months of continuous employment.

Vacation days must be scheduled in advance with the Supervisor/Department Head/Elected Official. Supervisors/Department Heads/Elected Officials retain the right to approve and disapprove, in whole or in part, vacation requests and may reschedule vacation dependent upon the department's operational needs. Supervisors/Department Heads/Elected Officials should attempt, when feasible to resolve vacation scheduling conflicts based on some objective basis, such as seniority or accommodating requests in the order in which they are received. However, please note, management will reserve the right to schedule vacations to suit County needs.

Vacations are to be taken as time off and there will be no pay in-lieu of time off. Employees shall not accumulate vacation leave in excess of 264 hours. An employee who has accrued the maximum vacation leave hours may request use of vacation leave to prevent its loss. Any vacation days accumulated in excess of 264 hours will be forfeited unless approved by the employee's department head and the Director of Human Resources. Each Supervisor/Department Head/Elected Official shall make every effort to encourage employees to use accrued vacation and to arrange work schedules so that employees may take vacation at times convenient for them as well as for the County. Vacation accruals will not exceed 264 hours.

Employees shall not be allowed to use vacation time beyond, or in advance of time already accrued. Vacation leave taken may not exceed the total amount of vacation leave accrued as of that date. With prior approval from supervisor, department head/elected official, you will be placed on an unpaid leave.

When an employee transfers from one department to another, the employee's accrued vacation shall be transferred to the new department.

Accrual of vacation leave will cease once an employee who is eligible for such leave exhausts all sick leave and vacation accruals and is placed on no-pay status with the County.

Per the County's FMLA policy, all eligible employees will be required to exhaust any vacation time available to them before going on unpaid status.

Any employee who separates from County service and returns within one year shall be given credit for prior service as it relates to vacation accruals except for re-employment after MERS retirement. Employees who are re-employed by the County after receiving a Livingston County MERS pension shall accumulate vacation leave as a new employee based on the employee's date of re-employment as allowed by the appropriate union contract and /or personnel policy.

If an employee has had his or her service date adjusted in accordance with current policy, the adjusted service date will be used for the purpose of determining the rate of vacation accrual.

Vacation time does not qualify as a credit against overtime pay for purposes of calculating wages for hours worked as required by the Fair Labor Standards Act (FLSA). Vacation time shall not be considered "hours worked" for the purposes of overtime calculation.

If a holiday occurs while an employee is on vacation leave, the employee shall not be charged with vacation time on the day of the holiday.

Employees may not exhaust accrued vacation time during the period of time immediately preceding their effective date of retirement, resignation or termination in order to extend their employment benefits. Employees are expected to be physically present at their work site on their last day of employment.

When an employee terminates employment, accumulated vacation will be paid out to them provided they have successfully completed six months of continuous employment.

Withholding of payment for accumulated vacation time may be authorized when an employee is leaving County employment in which the employee may owe money to the County or is holding County property consistent with Board Policy on Recovery of Overpayment.

The County will not grant employees additional days of vacation for routine illnesses or injuries that occur during a vacation. However, when the sickness results in hospitalization or requires an extended absence, the employee can charge days against sick time and reschedule additional vacation later.

On an annual basis, during Open Enrollment, County Choices, employees can purchase up to five (5) vacation days. The price associated with buying vacation time is based on your compensation as of October 1 of the prior year for a January 1 to December 31 effective Plan Year.

It is important to plan carefully if you purchase additional vacation days. According to Internal Revenue Service (IRS) regulations, purchased vacation time must be used last and by the end of the Plan Year. If the purchased vacation time is not used in the Plan Year it was purchased, the time can not be banked or rolled over. Instead the County will buy back unused, purchased vacation time and employees will receive compensation during the last month of the Plan Year, December, for a January 1 to December 31 effective Plan Year at the purchased rate of pay.

Please note that vacation time benefits will differ for employees who are members of a represented bargaining unit. Please consult the appropriate collective bargaining agreement.