



## ARTICLE VII HOLIDAYS AND LEAVES OF ABSENCE

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### I. POLICY:

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

### II. PROVISIONS:

The Town's holiday schedule is as follows:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day and Friday after Thanksgiving
- Christmas – three days (in accordance with the State of North Carolina Holiday Schedule as published by the Office of State Personnel).

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s) or have been given approved paid leave.

Employees wishing to schedule time off for religious observances, other than those observed by the Town, may request vacation leave from their respective Department Head. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observances may be denied only when granting leave would create an undue hardship for the Town.

### **III. HOLIDAYS; EFFECTS ON OTHER TYPES OF LEAVE:**

Regular holidays which occur during a vacation, sick, or other leave period of any employee shall not be considered as vacation, sick, or other leave.

### **IV. HOLIDAYS: COMPENSATION WHEN WORK IS REQUIRED OR REGULARLY SCHEDULED OFF FOR SHIFT PERSONNEL:**

Public Safety employees on shift will receive holiday pay equivalent to 8.4 hours for Police and 8.8 hours for Firefighters to be paid in addition to their hours worked for the pay period. Public Safety employees who are scheduled off on a Town observed Holiday, will receive holiday pay equivalent to 8.4 hours for Police and 8.8 hours for Firefighters. For Public Safety employees who are scheduled to work 80 hours and take the holiday, this would not be applicable.

### **V. HOLIDAY WEEK PAY:**

Holiday Week Pay will be paid to Non-Public Safety employees who work more than the scheduled hours during a week in which the town of Selma observes a paid holiday(s). Holiday Week Pay applies to employees who are on-call and get called out during a week in which a paid holiday(s) occurs. Holiday Week Pay will be at the rate of one-and-one half the employees' regular rate of pay.

### **VI. VACATION LEAVE:**

Vacation is a privilege granted to employees by the Town. Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation should be requested in advance in methods determined by the supervisor and approved by the Department Head.

Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Vacation leave can be taken in increments of one hour.

### **VII. VACATION LEAVE: USE BY PROBATIONARY EMPLOYEES:**

Employees serving a probationary period following initial employment begin accruing vacation leave after 30 days of employment but shall not be permitted to take vacation leave during the first six months of employment unless approved by the Town Manager. A

probationary employee who is dismissed during the probationary period will not be eligible for termination pay for any accumulated vacation leave.

**VIII. VACATION LEAVE ACCRUAL RATE:**

Each full-time employee of the Town shall earn vacation leave at the following schedule, respectively, prorated by the average number of hours scheduled in the work week:

General Employees and Police and Fire Employees assigned to a 40 hour per week schedule:

Years of Service	Vacation Hours Accrued Per Month
1 month - 5 years	8.00
6 years - 10 years	10.00
11 years - 15 years	12.00
16 years or more	13.34

Police Personnel assigned to a 42.88 per week schedule:

Years of Service	Vacation Hours Accrued Per Month
1 month - 5 years	8.40
6 years - 10 years	10.50
11 years - 15 years	12.60
16 years or more	14.00

Fire Personnel assigned to a 54 hour per week schedule:

Years of Service	Hours Accrued Per Month
1 month - 5 years	8.80
6 years - 10 years	11.00
11 years - 15 years	13.20
16 years or more	14.40

**IX. VACATION LEAVE MAXIMUM ACCUMULATION:**

The maximum vacation leave that may be accumulated shall be 240 hours as of the end of each calendar year. On December 31<sup>st</sup> of each year, any employee with more than 240 hours of accumulated vacation leave shall have the excess accumulation of vacation leave converted to sick leave.

Employees are cautioned not to retain excess accumulated vacation leave until late in the calendar year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess vacation leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

**X. VACATION LEAVE MANNER TAKING:**

Employees shall be granted the use of accrued vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the Town. Department Heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery.

**XI. VACATION LEAVE PAYMENT UPON SEPARATION:**

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, not to exceed 240 hours, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation and thirty days for Department Heads.

Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town.

Employees who are involuntarily separated shall receive payment for accumulated vacation leave not to exceed 240 hours. At the discretion of the Town Manager, employees dismissed for serious violations of personal or criminal conduct may be determined ineligible to receive vacation pay. At the time of separation any vacation time that exceeds 240 hours, if not taken prior to separation, may be rolled into Sick Leave for purposes of retirement under the North Carolina State Employees' or Local Government Employees' Retirement Systems.

**XII. VACATION LEAVE PAYMENT UPON DEATH:**

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximum established in Section 8 of this Article.

### **XIII. SICK LEAVE**

Sick Leave with pay is a privilege granted to employees by the Town Council, not a right, and may be used only for the purposes described in this Policy. Abuse of sick leave privileges will subject the employee to disciplinary action.

Sick leave will accrue during the probationary period but may not be used except with the approval of the Town Manager when inability to use sick leave would be considered an unusual hardship. Sick Leave may be used for the following reasons: sickness, non-job-related bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease when continuing work might jeopardize the health of others.

Sick leave also may be used when an employee must care for a member of his or her immediate family who is ill. For the purposes of this benefit, immediate family is defined as spouse, child, parents of employee or spouse, grandparent, grandchild, brother or sister, or someone living in the home or in-law or step relations of the same. Sick leave may not be used to care for a healthy child.

Sick leave may also be used to supplement worker's compensation disability leave for the seven-day waiting period before worker's compensation benefits begin.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures.

### **XIV. SICK LEAVE ACCRUAL RATE, ACCUMULATION, AND MANNER OF TAKING:**

Sick leave shall accrue at a rate of one day per month of service or twelve days per year for all employees assigned to a 40 hour per week schedule; 8.4 hours per month for Police Officers assigned to a 42.88-hour schedule; and 8.8 hours per month for Firefighters assigned to a 54 hour schedule.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave. Failure to so notify the appropriate *supervisor within* an appropriate time frame may result in the request being denied and/or disciplinary action.

Sick leave can be taken in increments of one hour.

Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as

stated for employees retiring or terminated due to reduction in force or sick leave incentive pay.”

#### **XV. TRANSFER OF SICK LEAVE FROM PREVIOUS EMPLOYER:**

The Town will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the North Carolina State Employees’ or Local Government Employees’ Retirement Systems and the employee did not withdraw accumulated retirement contributions from that employer when leaving employment.

The sick leave will be treated as though it were earned with the Town of Selma and may be used as any other accrued sick leave by the employee. The sick leave amount must be certified by the previous employer, and it is the employee’s responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon successful completion of the six months of employment.

#### **XVI. SICK LEAVE MEDICAL CERTIFICATION:**

The employee's supervisor or Department Head may require a physician's certificate certifying the employee's or employee’s family member’s illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretenses to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

#### **XVII. FUNERAL LEAVE**

An employee may have up to three days at full pay granted in case of death in the immediate family. For the purposes of this benefit, immediate family is defined as spouse, child, parents of employee or spouse, grandparent, grandchild, brother or sister, or someone living in the home or in-law or step relations of same. Additional time or time to attend funerals of other family members may be charged to vacation leave, compensatory time, or leave without pay.

In the case of the death of an Employee, a current or former Mayor, Councilmember, a Retired Employee, or the immediate family member of an existing Employee (as defined in the above paragraph), the Town will send flowers/plant.

#### **XVIII. CIVIL LEAVE:**

A full-time Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

#### **XIX. PARENTAL SCHOOL LEAVE:**

A Town employee who is a parent, guardian, or person standing *in loco parentis* (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the Town.
- 2) The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The Town may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by a full-time employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the Town.

#### **XX. BIRTHDAY LEAVE**

All full-time employees, in a budgeted position after one year of employment with the Town of Selma, are eligible for one day of paid birthday leave per year. The day birthday leave is taken must be approved in advance by the department head and must be taken in the month in which the employee's birthday occurs but does not have to be taken on the actual

birth date. The leave must be taken on a scheduled workday and recorded as birthday leave on the time sheet submitted to payroll. The employee must be in a pay status (cannot be on any form of leave without pay) on the day before and the day after leave is taken. The time off cannot be taken before or after an observed Town employee holiday. Birthday time off does not count towards hours worked for the computation of overtime pay and will be paid as regular pay. Birthday leave is not compensable upon termination and cannot be transferred, banked or carried over to another month. Birthday leave cannot be divided into hourly increments or half days but must be used in full on the day approved. If birthday leave is not used within the appropriate time frame and in accordance with these guidelines, it will be forfeited.

## **XXII. ABSENT WITHOUT APPROVED LEAVE**

Three consecutive days of employee absence without contacting the immediate supervisor or Department Head will be considered voluntary resignation or abandonment of post. Unless the employee can establish that they were unable to make contact during the period of absence, provide medical certification; termination will ensue, and all leave payouts will be forfeited.

Policy adopted by Selma Town Council

Effective Date: July 10, 2018  
Amended November 10, 2020  
Amended December 13, 2022

*As of December 13, 2022, this policy replaces and supersedes any previous policies, or unwritten policies or practices covering the same subject.*