

RULE 9 -- LEAVE OF ABSENCE

9.1 General Rule for All Absences.

All absences (with or without pay) are permitted on a provisional basis to allow time for the County to determine, and an employee to process, any applicable regulatory requirements. Department leave request forms are to be used for all vacation and sick leave. All requests must include a brief explanation of the need for the leave and the employee's intended or estimated start and return dates. References to "absences" or "leaves" in these Rules are used interchangeably and refer to any time an employee will not report to work, regardless of the length of time, unless otherwise specified in these Rules.

PLO, FMLA, and/or OFLA Leave: Refer to Personnel Rules 9.6 and 9.7 for specific requirements for PLO, FMLA, and/or OFLA leave.

Foreseeable Absence: Except as otherwise specified for PLO, FMLA, and/or OFLA, employees must request leave for all foreseeable absences at least two full weeks (10 business days) in advance and in writing to their department head (or the department head's designee), or the leave may be denied. Any absence for which an employee does not have applicable paid accrued leave (vacation, sick, comp, or floating holiday) to use, or any leave which may be applicable to a state or federal regulatory absence (e.g., FMLA, OFLA, PLO), must be immediately reported to Human Resources.

Unforeseeable Absence: Employees are required to notify their department, in accordance with their department's call-in or contact policy, as soon as the employee knows they will be unable to report to work. Additional notice may be required for PLO, FMLA, and/or OFLA as set forth in Personnel Rules 9.6 and 9.7.

An employee may not use accrued leave in an amount in excess of that which is necessary to bring their total hours compensated for the week to their budgeted work hours (FTE) unless otherwise allowed by law. (For example, a .6 FTE is only allowed to use vacation leave accruals up to their budgeted 24 hours in a work week.) An employee may not utilize accrued leave for any absence for which the employee is receiving wage replacement (in whole or in part) through a workers' compensation program or event. The County may adjust an employee's accrued leave retroactively if it is determined that accrued leave was inappropriately used, not used, paid, or unpaid, in accordance with these Rules.

For further information on leave requirements and administration, refer to Personnel Rules 9.6 through 9.8.

9.2 Vacation Leave.

9.2.1 Accrual. After having served continuously as an active and eligible County employee for 12 full pay periods, eligible employees shall be credited with, and thereafter accrue, vacation leave hours, per pay period (pp), as outlined below:

Hrs Budgeted Per Week	F-T equivalent	Percent of F-T Benefit	Balance at 6 mos	6 mos to 5 years	5 years to 10 years	10 years to 15 years	15 years to 20 years	20 + years
20 thru 23.9	.50 - .59	50%	22.20 hrs	1.85/pp	2.31/pp	2.77/pp	3.24/pp	3.70/pp
24 thru 27.9	.60 - .69	60%	26.64 hrs	2.22/pp	2.77/pp	3.32/pp	3.88/pp	4.44/pp
28 thru 31.9	.70 - .79	70%	31.08 hrs	2.59/pp	3.23/pp	3.88/pp	4.53/pp	5.18/pp
32 thru 35.9	.80 - .89	80%	35.52 hrs	2.96/pp	3.70/pp	4.43/pp	5.18/pp	5.92/pp
36 thru 39.9	.90 - .99	90%	39.96 hrs	3.33/pp	4.16/pp	4.99/pp	5.82/pp	6.66/pp
40	1.00	100%	44.40 hrs	3.70/pp	4.62/pp	5.54/pp	6.47/pp	7.40/pp

9.2.2 Part-Time Employees. Whenever the word part-time is used in this rule, it is in reference to part-time employees budgeted at least .50 FTE and, therefore, eligible for pro-rated benefits. Part-time employees budgeted less than .50 FTE shall not earn vacation leave.

9.2.3 Temporary and On-Call Employees. Temporary and on-call employees shall not earn vacation leave or compensatory time.

9.2.4 Scheduling Vacation; Floating Holiday. Department Heads shall establish staff schedules to provide available vacation leave for employees at regular annual periods and employees shall take vacation leave at the available times scheduled. Such schedules may be amended by the Department Head to meet work emergencies or to grant requests of individual employees. In establishing vacation schedules, Department Heads shall give due consideration to the desire of individual employees within limits of work requirements of the Department. No employee shall be granted a continuous vacation of more than four work weeks in any one year. In the case of any vacation scheduling conflicts between employees, the employee with the longest period of service with the County shall be given first consideration. The floating holiday referred to in Personnel Rule 8.3 must be taken (utilized) by the employee no later than the second Saturday in June of each calendar year, or it will be forfeited.

9.2.5 Accumulation of Vacation Credits. The maximum accumulation of vacation leave will be as follows:

Hrs Budgeted Per Week	Full-Time Equivalent	% of Benefit	Maximum Accrual
20 thru 23.9	.50 - .59	50%	100 hours
24 thru 27.9	.60 - .69	60%	120 hours
28 thru 31.9	.70 - .79	70%	140 hours
32 thru 35.9	.80 - .89	80%	160 hours
36 thru 39.9	.90 - .99	90%	180 hours
40	1.00	100%	200 hours

Any employee who is about to lose vacation credit because of accrual limitation may, by notifying their Department Head five days in advance, absent themselves to prevent loss of this time unless the Department Head determines that such absence would create an operational hardship. Such action taken by the employee shall not constitute a basis for disciplinary action or loss of pay.

9.2.6 Donating Vacation Leave for Use as Sick Leave. Except as otherwise specified in these Rules, an eligible County employee may elect to transfer (donate) their accumulated vacation leave to another eligible County employee for use as paid sick leave for any non-occupational illness, injury or condition if the receiving employee's own leave balances are insufficient to cover the pay period.

Donation is subject to the approval of the Department Head of the donating employee and the Department Head of the employee receiving the accrued vacation leave.

The receiving employee must be eligible to receive and use sick leave in accordance with these Personnel Rules before transfer of leave is approved. Donated leave cannot be retroactively applied once the receiving employee has been placed on unpaid leave.

Vacation leave can only be donated and transferred in whole-hour increments (on an hour-for-hour basis) and if timely submitted to Management & Finance as needed. Departments should process leave donation forms each pay cycle in whole-hour increments necessary to cover the receiving employee's current pay cycle. Excess donated leave will not be separated, held, or returned, and donation forms containing excess hours will be processed as received. Upon receipt of an approved and signed donation form, Management & Finance shall deduct the transferred hours from the donating employee's vacation leave and add an equal number of hours to the receiving employee's accrued sick leave. Once the donated leave is transferred, it cannot be reversed, and any left-over or unused leave will not be returned to the donating employee. Management & Finance may reject and return any vacation donation form for a receiving employee whose accrued leave balances are not depleted in that pay cycle.

Donated leave may not be used to extend employment beyond the point it would otherwise end by rule, law, or scheduled layoff. For example, if an employee would have otherwise been terminated or laid off (e.g, medical layoff, position elimination, or other reasons), donated leave may not be used to extend employment.

Donations are voluntary gifts made without coercion, compensation or for consideration. Donations are confidential, to the extent allowable by law, and may not be revealed without the consent of the donor.

9.3 Sick Leave.

9.3.1 Sick Leave Systems. All employees receive sick leave in accordance with these Personnel Rules. Based upon the employee's employment status, an employee will either accrue sick leave or receive front-loaded sick leave as outlined below. An employee will transition from one system to the other if their employment status changes their eligibility from one system to the other. All rights and responsibilities on the part of the employee and the County that derive from compliance with Oregon's Sick Time Law (ORS 653.601-653.661) are limited to the first 40 hours of sick leave taken in a fiscal year (July through June). Employees shall not take leave without pay in lieu of utilizing available sick leave if the absence qualifies under the County sick leave policies or any state or federal regulation allowing paid sick leave; however, sick leave accruals may not be used for time that is compensable, in whole or in part, under Workers' Compensation. Verification from a Health Care Professional may be requested by the County for absences of more than three consecutive calendar days, in support of FMLA and/or OFLA, or when the County suspects the employee is abusing the use of sick leave.

Accrual System. Employees who are budgeted half-time (.5 FTE) or above. Employees who are hired, appointed, and/or promoted into a .5 FTE or higher position will accrue sick leave hours per pay period as outlined in the chart below and will be credited with sick leave hours after having served continuously in their budgeted position for four (4) full pay periods (wait period). Employees in the accrual system will receive up to 3.7 hours per pay period as outlined below, and there is no limit to the amount of sick leave hours an employee may accrue. No sick leave will accrue during any unpaid leave period, and employees will not be compensated for any unused sick leave upon separation from County employment. Sick leave may not be used or paid, in whole or in part, for time that is compensable time loss under Workers' Compensation.

Hrs Budgeted Per Week	Full-Time Equivalent	% of Benefit	Balance at 2 Months	Accrual Rate
20 thru 23.9	.50 - .59	50%	7.40 hrs	1.85/pp
24 thru 27.9	.60 - .69	60%	8.88 hrs	2.22/pp
28 thru 31.9	.70 - .79	70%	10.36 hrs	2.59/pp
32 thru 35.9	.80 - .89	80%	11.84 hrs	2.96/pp
36 thru 39.9	.90 - .99	90%	13.32 hrs	3.33/pp
40	1.00	100%	14.80 hrs	3.70/pp

Front-Load System. Part-Time Employees Budgeted Less Than .50, Temporary, and On-Call Employees: Employees who are hired, appointed, or transfer into on-call positions, temporary positions, and/or positions budgeted less than .50 shall be front-loaded up to a maximum of 40 hours of annual sick leave, which may be used for qualifying reasons as set forth in Oregon's Sick Time Law. Front loaded sick leave is based on the County's fiscal year (July 1 through June 30) and is pro-rated in the manner described in this rule. Front-loaded sick leave hours cap at 40 hours per fiscal year and do not accrue or carry forward from one fiscal year to the next. Current employees in the front-load system will receive 40 hours of front-loaded sick leave to use beginning each July 1. Once the fiscal year has started, newly hired or appointed employees

in the front-load system shall not be eligible to use sick leave until their 91st day of employment (wait period). The table below outlines the prorated sick leave amount based on the employee’s hire date, to be front loaded. Employees in the front-load system are not eligible to receive donated leave and shall not be compensated for unused sick leave. Sick leave may not be used or paid, in whole or in part, for time that is compensable time loss under Workers’ Compensation.

July 1 – June 30	
Hire Date	Pro-rated amount
July	40 hrs
August	36.67 hrs
September	33.33 hrs
October	30 hrs
November	26.67 hrs
December	23.33 hrs
January	20 hrs
February	16.67 hrs
March	13.33 hrs
April	10 hrs
May	6.67 hrs
June	3.33 hrs

9.3.2 Family or Medical Leave. Employees may be eligible for leave pursuant to the Federal Family Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), and/or Paid Leave Oregon (PLO). Leave under FMLA and/or OFLA will be taken concurrently with sick leave or other earned accrued paid leave allowed by law. Where allowed by the applicable leave regulation, leaves run concurrently when the employee’s eligibility and the purpose of the leave coincide. For details of specific leave types, please refer to Rules 9.6 through 9.8 below or contact the Human Resources Department.

9.3.3 Utilization of Paid Sick Leave. Except as otherwise specified in these Rules, employees utilize their allowances of sick leave after their wait period when unable to perform their work duties due to illness or injury, to address illness in their immediate families, or to mitigate the risk of transmitting contagious disease to other employees or members of the public with whom they must have contact at work. If an employee’s absence is approved as FMLA and/or OFLA protected leave, the employee’s paid leave and protected leave will run concurrently. An employee’s receipt of paid sick leave may be contingent upon the employee timely providing written documentation from a health care professional, upon request, verifying their absence and, if applicable, fitness for duty. An employee’s failure to provide acceptable documentation verifying their need to be absent more than three calendar days may result in retroactive adjustment of their absence as vacation leave instead of sick leave pay or may result in disciplinary action for abuse of sick leave, depending on the circumstances as determined by the Human Resources Director. Sick leave may not be used or paid, in whole or in part, for time that is compensable time loss under Workers’ Compensation.

9.3.4 Bereavement Leave. Eligible employees will be allowed bereavement leave in accordance with any applicable federal and/or state regulations (i.e., FMLA, OFLA, etc). Eligible employees who do not qualify for bereavement leave under the provisions of any current federal or state regulation are allowed up to five continuous absence days from work due to the death of a family member as defined in Rule 9.3.5. Employees are required to use their available accrued leave. At the sole discretion of the department head, depending on the unique circumstances involved, additional days may be approved, not to exceed two weeks or 10 working days, whichever comes first.

9.3.5 Family Member. For the purpose of leave taken in accordance with any applicable federal and/or state regulations, 'family member' is defined by the respective law (i.e., FMLA, OFLA, PLO, etc.). For the purpose of leave provided by the County only, "family member" shall be defined as mother, father, current spouse or registered domestic partner, sister, sister-in-law, brother, brother-in-law, child, step-child, current parent-in-law, grandparents and grandchildren.

9.3.6 Call-In Requirements. Departments may establish call-in requirements for employees on leave based on the operational needs of the department. For further information, see Leave Administration, Rule 9.8.

9.3.7 Separation. No compensation for accrued sick leave shall be allowed for any employee who voluntarily or involuntarily separates from County service.

9.4 Other Paid Leaves.

9.4.1 Jury Duty. Employees will be paid their regular wage for partial or full-day absences in lieu of jury appearance fees on any scheduled day of work that they are required to report for jury duty, provided they provide acceptable documentation in support of their jury duty. Any money received by the employee for their jury service appearance shall be turned in to the Department Head for deposit in the general fund. Employees may retain reimbursement provided for by statute for mileage and other expenses incurred as a result of jury service. Any day shift employee who is dismissed from jury duty before the end of their regular work shift is required to report to work for completion of their regular shift. Any employee whose shift begins before the scheduled jury duty start time is required to report to work at the beginning of their regular shift on that day. Exceptions to reporting to work before or after jury duty can be approved by the Department Head where jury duty appearance is so close to the employee's normal starting/quitting time as to make reporting for work on that day nonproductive in the sole judgment of the Department Head.

9.4.2 Service-Connected Appearances. Eligible employees will receive their regular wage during an appearance before a court, legislative committee, judicial or quasi-judicial body as a witness in response to a subpoena or other order by proper authority compelling their attendance under penalty prescribed by law in connection with the employee's officially assigned duties on behalf of Douglas County.

9.4.3 Military Leave for Annual Training. Eligible Employees who are members of the National Guard or other Armed Services and are ordered to attend annual military training shall be granted such leave and shall receive their regular wage for up to 15 calendar days (11 working days) in accordance with ORS 408.290. Employees are required to submit a copy of their Annual Training schedule/orders to the Human Resources Department.

9.5 Unpaid Leave. All periods of unpaid leave may affect an employee's eligibility, waiting period, and/or entitlement to County benefits, including but not limited to, holiday pay, employee and dependent group health insurance, and vacation and sick leave accruals. Please also refer to Personnel Rule 9.8 for additional leave administration information.

9.5.1 Non-Service-Connected Appearances. Vacation leave may be granted to an employee for appearance before a court, legislative committee, judicial or quasi-judicial authority compelling the employee's attendance under penalty prescribed by law. If no vacation leave is available, an employee may be granted unpaid leave for non-service connected appearances provided the notification and approval requirements of the department have been met.

9.5.2 Regulatory Leave(s). There are federal and/or state regulations that allow limited or extended unpaid leave for employees. Examples include, but are not limited to, Veterans Day for qualified veterans, Military Deployment (USERRA leave), DVHSAS leave, leave for bone marrow donation, and Olympic athlete leave. Unless otherwise specified in these Personnel Rules, or required by law, employees are required to use their own applicable accrued leave before unpaid leave is allowed.

9.5.3 Personal Leaves. A regular employee who has completed not less than 12 continuous months of employment may be granted an unpaid leave of absence for compelling personal reasons for up to 90 days, with prior approval of their Department Head and the Human Resources Director. Personal leaves must be requested in advance in writing and will generally not be subject to renewal except in very unusual (or emergency) cases. If granted, an employee must use any applicable accrued leave they have available; otherwise such leave is unpaid and the employee will become ineligible for any county benefits, including group health care coverage for themselves and dependents, during their unpaid leave of absence. Employees who are contemplating such leave should contact the Human Resources Department for benefit continuation information and waiting period for benefits after their return. Employees are required to present substantiating documentation in support of their personal leave requests. Some, but not all of the factors considered in determining whether to grant an employee's request for personal leave are:

- ❖ The reason for the request;
- ❖ The employee's overall length of service;
- ❖ Any previous leave of absence (and the period and purpose of such leaves);
- ❖ A sincere (and written) commitment from the employee to return to work immediately following expiration of the leave; and
- ❖ The effect of the employee's absence on efficiency and operations.

9.6 **Paid Leave Oregon, Family Medical Leave (FMLA), and Oregon Family Leave (OFLA)**

9.6.1 **Paid Leave Oregon.**

Paid Leave Oregon is a state-run program that allows eligible employees to take paid time off for family, medical, or safe leave. Douglas County is a covered employer participant of the Paid Leave Oregon program (hereinafter “PLO”) and is responsible for withholding and paying employee and employer contributions through the State’s combined payroll reporting process.

Poster: Employees can find the State’s most current Paid Leave Oregon poster –listing employee rights and information: (i) at an employee’s work site or department where all other workplace postings are located; (ii) in the Human Resources lobby/Courthouse Room 322; and (iii) on the County’s website “douglascountyor.gov” under the Human Resources Dept section for employee rights information. New employees can also find a copy in their new hire packet material.

Required Notice: While the PLO program is run by the state of Oregon, employees are still required to provide notice of their PLO leave to the County as follows:

Foreseeable Leave: at least 30 calendar days’ advance written notice must be provided to the Douglas County Human Resources Department if leave is foreseeable.

Emergency Leave: If leave is needed due to an emergency, employees provide verbal notice within 24 hours to Human Resources either in person, by email to hr@douglascountyor.gov, or by voicemail to Human Resources Dept at (541) 440-4405, followed by written notice within 3 days of starting the leave.

All Employee Notices for PLO leave (County form is available) must include:

- (a) Employee’s full legal name and department worked for;
- (b) Type of leave applied for and explanation of leave including duration and dates of leave. Failure to provide adequate employer notice may result in reduced benefits or penalties to the employee determined and imposed by the Employment Department/PLO program;
- (c) Whether the employee wants to use their own accrued leave during their PLO event (supplemental pay); and if so, how many hours per scheduled work day they want used (whole hours only). Accrued leave hours as supplemental pay remains consistent throughout the PLO approved event until the employee’s accrued leave is exhausted or the PLO event has ended, whichever occurs first. Supplemental pay cannot exceed the employee’s budgeted FTE or an on-call’s pre-scheduled work week. Accrued leave will be used in the following order unless specified otherwise at the time of the employee’s written Notice: Sick, Vacation, Floating Holiday, Comp time. If an employee’s original notice to Human Resources does not include a request to use accrued leave (supplemental pay) and the hour(s) to be used, no accrued leave will be used or allowed for that particular PLO event.

Concurrent Leaves: In accordance with ORS 659A.186 (rev. 2023—regular Oregon Legislative Session as SB999), if family leave taken under OFLA (659A.150 to 659A.186) qualifies as protected leave pursuant to the federal FMLA of 1993 or qualifies as family or medical leave taken pursuant to PLO (Chapter 657B), family leave taken under OFLA (659A.150 to 659A.186) must be taken

concurrently with, and not in addition to, any leave taken under the federal FMLA and under PLO (Chapter 657B). In any week in which an employee is eligible to receive workers' compensation or unemployment benefits, the employee is disqualified from receiving PLO benefits.

Applying for PLO: The County's and PLO's leave year is a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences. Employees can find information, as well as the Application for Benefits by visiting Paid Leave Oregon's on-line sources: <https://paidleave.oregon.gov> and <https://frances.oregon.gov>.

The County's Employer Information and Address for the Application for Benefits is: Douglas County, Human Resources Dept., 1036 SE Douglas Ave., Room 322, Roseburg, OR 97470; (541) 440-4405; hr@douglascountyor.gov. Douglas County's BIN# is: 0502092-4.

Employees on PLO: Any employee claiming PLO benefits:

1. Is entitled to continue their healthcare benefits in accordance with the insurance plan's rules and regulations as if the employee had continued working, provided the employee's premium share is paid timely. Nonpayment of timely employee premiums will result in disruption and/or cancellation of coverage, including dependent coverage, due to nonpayment of premiums, during the period of leave.
2. Will be placed on an unpaid leave status during the PLO event if employee chooses not to supplement their PLO with earned accrued leave. Employees do not accrue employment benefits during an unpaid leave status, including but not limited to, seniority, paid leave accruals, holiday pay, or other non-healthcare related benefits that would have accrued if the employee was working or receiving accrued leave.
3. Will receive job protections, if eligible, in accordance with PLO rules and regulations.
4. Is not eligible to donate leave or receive donated leave for the same dates as PLO since compensation is determined and paid to the employee by the Employment Department/PLO program.
5. Will have their absences automatically tracked against their FMLA and/or OFLA entitlement if the employee and the event are concurrently eligible for FMLA and/or OFLA for the same purpose. Douglas County will not require additional medical confirmation to qualify an employee's medical or family leave as FMLA and/or OFLA for the same leave event approved by PLO.
6. Employees whose PLO leave is due to their own health condition may be required to provide a medical release or, if applicable, comply with light duty policies and practices as outlined elsewhere in these Personnel Rules.
7. Are required to notify Human Resources as soon as possible if the employee's dates of scheduled leave change, are extended by PLO, or if the reason for leave changes, and/or if circumstances change during the leave and the leave period differs from the original request.

Family Medical Leave (FMLA) and Oregon Family Leave (OFLA).

Douglas County is a covered employer under both the Family Medical Leave Act ("FMLA") and the Oregon Family Leave Act ("OFLA") and provides eligible employees protected leave as set forth in those regulations, as may be amended from time to time. The paragraphs in this section provide basic information. Employees should contact Human Resources for information specific to their

absences. The below information is subject to legislative updates, which may supersede any personnel rule where required by law.

General Information – Current state and federal Posters for employees to review can be found: (i) at an employee’s work site or department where all other postings are located; (ii) in the Human Resources lobby/Courthouse Room 322; and (iii) on the County’s HR website. Employees are responsible for providing adequate notice of their need to be absent from work, and, if requested by the Human Resources Department, are required to comply with the County’s request, as permitted by law, for certification from a qualified health care professional to substantiate the need for leave—for example, medical certification forms and/or fitness for duty (also referred to as release to return to work) information from one or more health care professionals. An employee who refuses to timely comply with the County’s request for written documentation to support their absence or fitness for duty to return to work, may be suspended (placed on paid or unpaid leave), disciplined up to and including termination, and/or have their payment of accrued leave suspended, interrupted, retroactively changed from one type to another, or denied.

Employee Eligibility and County’s Leave Year – There are different eligibility criteria for FMLA and OFLA protected leave. An employee’s eligibility is determined and confirmed by the Human Resources Department once the employee’s request for leave is received. Beginning September 3, 2023, Douglas County’s designated leave year is: A period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences. Human Resources is responsible for designating FMLA and/or OFLA, and may designate qualifying absences as FMLA and/or OFLA where applicable, even when protected leave is not requested by the employee. When leave is covered under both FMLA and OFLA, the leaves will run concurrently under both leave laws.

Requesting Leave – If an employee’s need for family medical leave is foreseeable, the employee is to provide 30 days’ advance written notice to their department administration or the Human Resources Department. If an employee’s leave is not foreseeable, the employee must give notice as soon as they become aware of their need for leave, as well as follow their department’s notification/call-in procedures. Employees must provide enough information for the County to determine if their absences qualify for FMLA and/or OFLA protected leave but should not share anyone’s medical condition or diagnosis. Employees must inform their department if their absence is due to reasons for which FMLA or OFLA was previously taken or approved.

Benefits – While on an approved FMLA and/or OFLA protected leave event, the County will continue to make its contributions to maintain the employee’s current group health insurance coverage in compliance with regulatory requirements, and the employee is required to pay the employee portion of their premiums in order for such coverage to stay in effect for the full term of the leave. If the employee’s premium portion is not paid timely, the employee’s eligibility for group health insurance, including dependent coverage, may be cancelled retroactively to the last paid premium coverage date. See Personnel Rule 19 (Group Insurance) for premium payment information. Premiums are due and payable on the first of each month for that month’s coverage during an unpaid FMLA and/or OFLA leave event.

Upon return from FMLA and/or OFLA leave, most employees will be restored to the same job or one nearly identical to it with equivalent pay, benefits and other employment terms and conditions as required by law.

Substitution of paid leave – FMLA and OFLA are generally unpaid leave (unless they are concurrently under PLO); however, employees are required to substitute (use) their own accrued paid leave during their FMLA and/or OFLA leave event before being placed on unpaid leave. If an employee's absence of more than three consecutive calendar days is later determined not to meet the requirements of FMLA and/or OFLA, these Personnel Rules, or other applicable state or federal regulations, their use of paid sick leave may be denied, suspended, and/or retroactively reversed to vacation leave or unpaid leave.

Medical Release – Employees absent from work due to their own health condition lasting more than three calendar days are generally expected to provide Human Resources with a fitness for duty/medical release from their health care professional applicable to their absence. For example, if an employee has a contagious condition, the health care professional should indicate the employee is no longer contagious; or in the event of an injury or condition associated with the employee's job duties, the health care professional should indicate whether any work restrictions apply to the employee's return to work, and, if so, what those restrictions are, or whether the employee may return to work without restriction. The County's Release to Return to Work form is available for this purpose.

Temporary Light Duty – If an employee is temporarily unable to perform an essential function of their regular job at the conclusion of their FMLA and/or OFLA leave, the Department Head, in collaboration with Human Resources, will determine, based on the limitations imposed by the employee's health care professional and the department's availability of work within those limitations, whether to offer light or modified duty on a temporary basis not to exceed 90 calendar days or until the employee is released to full duty by a physician, whichever comes first. Light or modified duty is a temporary assignment based on the needs of the department and can be altered by the Department Head at any time.

9.7 Workers' Compensation Leave for Injured Workers. Douglas County employees who sustain injury or occupational disease that has arisen out of and in the course and scope of employment are eligible to file claims for workers' compensation insurance benefits as provided by state law. The benefits provided to employees with accepted workers' compensation claims include payment of their associated treatment costs and, if the employee is unable to work, paid leave in compliance with all workers' compensation regulations. The County is self-insured for workers' compensation and contracts with a third-party claims administrator to process workers' compensation claims. The workers' compensation program is overseen by Risk Management in the Human Resources Department. Employees with questions or concerns about workers' compensation issues are encouraged to contact Risk Management.

9.7.1 Reporting of work-related accidents and illnesses. Employees must report work-related injuries or occupational diseases immediately to their supervisors, who are to report them immediately to Risk Management. Timely reporting facilitates prompt processing of workers' compensation claims and compliance with state workers' compensation and workplace safety

laws. Delayed reporting may slow the processing of workers' compensation claims and cause the County to incur penalties or fines. Unless the severity of an employee's injury or illness requires leaving work immediately to obtain treatment, an on-the-job injury report (forms available on the Douglas County Human Resources Department web page) must be completed by the employee and their supervisor before the employee finishes or leaves work for the day. A supervisor reporting a serious work-related injury or illness should confirm that the on-the-job injury report has been received in Human Resources by obtaining an emailed or verbal acknowledgment by Human Resources Department personnel within eight hours of providing the report. The latter requirement is intended to facilitate compliance with Occupational Safety & Health Division reporting rules.

9.7.2 Workers' compensation claim forms. Risk Management provides a standard Oregon Workers' Compensation Division "801 form" to any employee known to have suffered a work-related injury or occupational disease for which treatment from a healthcare provider has been or will be sought by the employee. The completed 801 form is needed in order for the County and its claims administrator to ensure that benefits for accepted claims are paid timely and that claims are processed within timeframes established by state law. It is therefore essential that an injured employee complete the 801 form and submit it to Risk Management as soon as possible.

9.7.3 Return to Work. For the benefit of both employees and the County, injured workers should return to work as soon as it is safe for them to do so. After obtaining medical treatment for a work-related injury or illness, the employee must provide a physician's status report (often referred to as a "release to return to work" or simply a "release") to Risk Management. The release/report must indicate whether the employee may return to work and, if so, whether there are any temporary medically-based limitations on the type or duration of work the employee may perform. The release/report also should indicate whether follow-up appointments with the provider will be necessary and, if so, when they are scheduled to occur. An updated physician's work status release/report must be provided to Risk Management each time the employee visits (in-person or virtually) any health care professional for the work-related injury or illness.

9.7.4 Modified-Duty Work. In support of its policy of returning injured employees to work as soon as reasonably possible, the County will consider on a case-by-case basis whether modified duty (sometimes referred to as "light duty" or "transitional duty") work can and should be offered. Modified duty assignments will reflect the employee's medical status and the County's business needs. All such assignments are of a temporary nature and are intended to facilitate the employee's future return to regular duty. Whether modified duty work will be offered, and the type, quantity, and duration of such work, will depend on the existence of suitable work, the County's business needs, and input from the appropriate attending physicians. All modified duty assignments are subject to periodic review and modification so that they continue to reflect the County's business needs and relevant medical information.

9.8 Leave Administration.

9.8.1 Leave Computations. For both the accumulation of leave credit and the granting of leave, computation may be made in hourly units, except as indicated under the PLO program which is restricted to absences on a full-day or weekly basis only. Deductions shall not be made from leave accumulations for regularly assigned days off or holidays occurring at the beginning, during or at the end of a period of leave with pay if the employee returns to work on the first

day thereafter or is granted additional paid leave. At no time shall an employee be on unpaid status if eligible paid leave is available, unless the employee elects PLO leave without supplemental accrued leave, or during a workers' compensation time loss event. Employees on an unpaid leave status are not eligible to accrue or receive paid leave benefits such as holiday pay, vacation, or sick leave, nor eligible to donate vacation leave to another employee.

9.8.2 Leave Accrual. Sick and vacation accruals begin on the employee's date of hire, appointment, or promotion into a qualifying position.

9.8.3 Authorization for Leave. No leave of absence with or without pay shall be granted unless a request is submitted by the employee and approved in accordance with these rules. Approval of leave shall be obtained prior to the beginning of any foreseeable leave period, and, unless otherwise required by law, all leaves of absence shall also be subject to the following conditions:

It is an employee's responsibility to initiate all arrangements for a leave of absence (or any extension of an existing leave) and to provide any required or requested medical substantiation to the Human Resources Department. Except in unforeseeable or emergency situations, all requests must be submitted to the Department Head in writing at least 30 days before the proposed commencement of the leave (or any extension).

Department Heads may approve vacation leave requests in accordance with Personnel Rule 9.2.4.

An employee will be notified when a request for leave of absence has been approved. Employees should not assume that they are approved for a leave of absence until they have been officially notified in writing of that fact. An employee who leaves work before the approval of a foreseeable leave runs the risk that the leave may be denied and the time missed counted against the employee. The employee may be considered to be absent without leave approved, and therefore, subject to disciplinary action up to and including termination.

Any employee who has been absent from work without contact and/or pre-authorized leave for more than three consecutive calendar days shall be considered as having resigned their position with the County. In such situations their position shall be declared abandoned and vacated except and unless the employee can furnish evidence that they were unable to return to work by reason of sickness, injury, physical disability, or other legitimate reason beyond their control. The employee shall provide the County with verifiable medical documentation of any claim of sickness, injury, and/or physical disability in these circumstances within seven (7) calendar days of receiving such request from the County, unless otherwise required by law. Failure to report to work due to an arrest or incarceration will not be considered acceptable justification for the absence.

9.8.4 Call-in Requirements. Departments may establish call-in requirements for employees on leave based on the operational needs of the department.

Unless an approved leave of absence is granted, as per Rule 9.8.3, the employee shall be required to report their absences to their Department Head on a daily basis or as per their department call-in policy. Each failure to do so will be treated as a violation of these call-in requirements and, therefore, subject the employee to disciplinary action.

9.8.4.1 Approved leaves are always granted for an estimated period of time. If the reason for the leave ceases to exist before the estimated expiration date, an employee is required to immediately inform the County so that the employee can be returned to employment. An employee who knows or should have known they have been released to return to work and fails to do so on their next regularly scheduled work day will be considered a voluntary quit or constitute grounds for termination and will result in loss of employment and re-employment rights.

9.8.4.2 An employee who is granted leave by the County for a serious health condition for longer than four work days must contact their supervisor not less than once a week throughout the period of the leave to advise of the employee's status for returning to work. Each failure to report shall be treated as a violation of this rule. The department will notify the Human Resources Department on a weekly basis for record-keeping purposes. If an employee moves or changes their contact telephone numbers or address, such changes must be reported to their department administration and the Human Resources Department immediately. Failure to timely report may hinder attempts by the Department to contact the employee for reemployment, impede subsequent offers of available jobs, and/or subject the employee to forfeiture of re-employment rights in some circumstances.

9.8.4.3 Any sick leave absence of four or more continuous days or which involves continuing treatment by a health care provider will be considered potential FMLA and/or OFLA protected leave. (See Rule 9.6.) The County, at its discretion, may designate an employee's leave as FMLA and/or OFLA pursuant to those regulations. Regardless of whether an employee qualifies for FMLA and/or OFLA protected leave, for any absence of four days or more they must deliver to the Human Resources Department a physician's certification of illness as a condition of receiving sick leave pay. In addition, the employee must provide medical certification of their recovery and release to regular duty. A physician's certification may be required for absences of less than four days in some circumstances.

A Department Head may waive the requirements of this section for non-FMLA/OFLA leaves on a case-by-case basis when they have first-hand knowledge of the nature and legitimacy of the employee's absence and have so advised the Human Resources Department.

9.8.5 Physician's Certification.

9.8.5.1 In the event there are any questions about whether an employee should be granted a personal or medical leave of absence, and/or whether a physician's statement or return-to-work slip or "release" should be considered acceptable, it is the employee's responsibility to bring all relevant facts and documents the employee wishes to have considered to the Human Resources Department. Documents containing an individual's medical information should be submitted to the Human Resources Department only.

9.8.5.2 The County may, at its discretion and in accordance with applicable state and/or federal regulations, request that an employee be examined by a physician of its choice either during or after a leave of absence.

9.8.6 Activities While on Leave.

9.8.6.1 An employee who applies for or engages in any work for compensation while on a leave of absence, including disability leave, shall be subject to immediate termination unless the County has consented to the arrangement in writing in advance. This provision does not apply to approved military service leave.

9.8.6.2 An employee who improperly applies for or is granted unemployment benefits while on a leave of absence will be subject to immediate termination.

9.8.6.3 An employee who engages in any conduct or activity which violates restrictions imposed by a physician or which otherwise delays full and prompt return to regular employment will be subject to disciplinary action up to and including termination of employment.

9.8.7 Returning to Work.

9.8.7.1 Subject to the requirements of each statutory leave and these personnel rules, employees on protected leave and/or personal leave will be returned to their original job if it is available or to any other suitable job that is available, provided that the requirements for obtaining and returning from the leave are satisfied. Employees on workers' compensation leave who recover or whose physicians certify ability to perform modified (light) duty work must immediately contact the Human Resources Department and make arrangements to return to work.

9.8.7.2 If the treating physician places temporary or permanent physical restrictions on the employee, the County will attempt to accommodate those restrictions to the extent that positions are available for which the employee is qualified. Since any job assignment may vary considerably from the employee's original assignment, compensation and benefits may vary accordingly. The County may offer a job to an employee who is disabled from performing the former job. Such differences in themselves do not render the position unsuitable.

9.8.7.3 Return to Work—Light (Modified) Duty. Refer to the information under 9.6 or 9.7 of these personnel rules, whichever is applicable.

9.8.8 County-Initiated Leave. The County reserves the right to initiate a leave of absence in cases where it concludes that a medical condition(s) or personal circumstances may have adversely affected or are adversely affecting an employee's attendance, quality or quantity of work, efficiency, or that they have placed or are placing at risk the safety of the employee, coworkers, or the public.

9.8.9 Public Employees Retirement System (PERS).

9.8.9.1 In addition to the County requirements under Rule 9, PERS requires notification to payroll anytime an employee is on an unpaid leave status for 10 or more consecutive work days. Departments are required to process a Personnel Action Form as soon as the department has knowledge that unpaid leave is occurring or has occurred.

9.8.10 Transfer Credits and Vacation Pay upon Termination of County Employment.

9.8.10.1 When an employee is transferred to or appointed to another department, their accrual balances shall be assumed by the new department.

9.8.10.2 An employee who terminates during the initial six months of their employment shall not be entitled to cash compensation in lieu of vacation leave. If the employee has served for six months or more and is separated from the County, the employee shall be entitled to cash compensation for remaining unused accrued vacation leave. In case of death, compensation for any remaining unused accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.

9.8.11 Continuous Service. Continuous service shall be service unbroken by separation from County service, except for time spent by an employee on military or Peace Corps leave, FMLA, OFLA and/or PLO leave, workers' compensation leave, vacation leave, or paid sick leave. Time spent on other types of authorized leave will not count as part of continuous service.

9.8.12 Sick Leave Credit Following Re-Employment. Employees who are re-employed within 180 days of their termination date shall have sick leave credits accrued but unused during their last employment period restored within the limits of the system into which they are re-hired. For example, if an on-call employee is re-hired into a benefited position within 180 days, they will receive the balance of their unused sick leave when they last terminated. If a benefited employee is rehired into a non-benefited position within 180 days, they will receive front-loaded sick leave from their previous unused balance up to the 40-hour maximum of the front-load system.