

POLICY 425 PAID TIME OFF (PTO)

- 1. Purpose.** To provide employees with a flexible means of utilizing paid leave time. Paid Time Off (PTO) can be utilized for any purpose, subject only to necessary request and approval procedures consistent with County and department policies.
- 2. Eligibility.** Regular employees working at least 20 hours per week (.50 FTE) are eligible for the benefits documented herein. Part-time employees working less than 20 hours per week (.50 FTE), temporary part-time employees and seasonal employees as defined in Eau Claire County Policy 001 Definitions are not eligible.
- 3. Definitions.**
 - 3.1 Paid Time Off (PTO).** A benefit plan which consolidates all leave benefits into a single “account” of paid leave, for which the employee is responsible for managing.
 - 3.2 Extended Leave Bank (ELB).** A bank which may be utilized for absences due to medical necessity for the employee or the employees immediate family, or for qualified FMLA absences, of more than three (3) consecutive days.
 - 3.3 Family Medical Leave Act (FMLA).** Provides time off for various medical and military purposes as defined by State and Federal law.
 - 3.4 Planned PTO.** Requested and approved prior to the date the employee is requesting leave.
 - 3.5 Unplanned PTO.** Requested or reported on the date the employee will not be reporting to work.
 - 3.6 Post-Employment Health Plan (PEHP)/Health Trust Account.** An employee benefit to help pre-fund the future cost of health care expenses.
 - 3.7 Creditable Employment.** Years of service with the County working in a regular full- or part-time position beginning with the Employees anniversary date and ending with the date of separation as defined by Eau Claire County Policy 001 – Definitions. Employment in a seasonal or temporary part-time position is not considered creditable employment.

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4. Accrual. Eligible Full-time non-exempt and exempt non-supervisory employees will accrue PTO according to the following accrual rates:

Length of Service	Hours Per Pay Period	Days Per Year	Maximum Accrual Hours
0 – 5 th Anniversary	6.4 hours	20.80 days	500 hours
5 – 10 th Anniversary	8.0 hours	26.00 days	500 hours
10 – 15 th Anniversary	9.5 hours	30.88 days	500 hours
After 15 th Anniversary	11 hours	35.75 days	500 hours

- 4.1 Part-time employees working at least 20 hours per week (.50 FTE) will earn PTO accruals based on the full-time non-exempt and exempt non-supervisory PTO accrual schedule at a prorated amount based on their percentage of full-time equivalency (FTE).

Example: A .73 FTE employee who has been employed for 4 years would earn 4.7 hours of PTO per pay period. (.73FTE*6.4 hours = 4.7 hours per pay period)

- 4.2 Part-time employees may accrue up to a maximum of 200 hours PTO hours.
- 4.3 Exempt supervisory employees will accrue PTO according to the following accrual rates:

Length of Service	Hours Per Pay Period	Days Per Year	Maximum Accrual Hours
0 – 5 th Anniversary	8.0 hours	26.00 days	500 hours
5 – 10 th Anniversary	9.5 hours	30.88 days	500 hours
10 – 15 th Anniversary	11 hours	35.75 days	500 hours
After 15 th Anniversary	12.5 hours	40.63 days	500 hours

- 4.4 PTO will not accrue during unpaid leaves including worker’s compensation leave.

PTO cannot be taken before it has been earned and cannot be taken in excess of a part-time employee’s normally scheduled hours.

- 4.5 Temporary part-time and seasonal employees will not accrue nor be given PTO leave.
- 4.6 Part-time employees who transfer into a full-time position or whose hours are increased to full-time will be placed on the PTO accrual schedule based on their length of service in regular employment with Eau Claire County.

5. Minimum Usage Requirements.

5.1 Unless otherwise outlined in department work rules, employees will use PTO in increments rounded to the nearest tenth of an hour as outlined in Policy 509, Timekeeping.

6. Planned PTO.

6.1 Employees must request Planned PTO as far in advance as practicable and must be approved in advance by the Department Head or designee, but not less than 24 hours in advance. Individual departments may require more advance notice for scheduled absences. Employees will follow written department procedures for requesting PTO. PTO requests may be denied based on the needs of the department and the scheduled time off of other department employees.

6.2 Department Heads or designees may approve planned PTO requests of less than 24 hours' notice on a case by case basis.

7. Unplanned PTO.

7.1 Employees must report the use of Unplanned PTO at least one (1) hour prior to the start of the employee's scheduled shift, or as soon as practicable in cases of emergency or development of illness during the employee's work shift. Individual departments may require more advance notice for unscheduled absences. Employees will follow written department procedures for requesting PTO.

8. Medical Certification/Returning to Work After Medical Absence.

8.1 The employer may require verification of illness.

8.2 After a medical absence, a physician's statement may be required to be submitted to Human Resources on the employee's first day back to work, indicating the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

8.3 A physician's statement will be required for unplanned absences after five consecutive days of illness and will be required prior to returning to work.

8.4 Any work restrictions must be stated clearly upon the employee's return to work. Employees who have been asked to provide such a statement may not be

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allowed to return to work until they comply with this provision. PTO may be denied for any employee required to provide a doctor's statement until such a statement is provided.

8.5 The County has the right to obtain a second medical opinion to determine the validity of an employee's worker's compensation or illness claim, or to obtain information related to restrictions or an employee's ability to work. The County will arrange and pay for an appropriate medical evaluation when it has been required by the County.

8.6 If the absence qualifies as FMLA, Eau Claire County Policy 411, Leaves – Family, Medical, & Military will apply. The appropriate medical certification form(s) will be required.

9. Unpaid Leave.

9.1 With the exception of qualified FMLA leave, unpaid leave may not be taken until such time that the PTO account has been exhausted. If an employee would be eligible to use the ELB, unpaid leave may not be taken until such time that the PTO account and the ELB have been exhausted. At no point will an employee's PTO balance be allowed to fall below zero. Should this happen, the employee will revert to unpaid time, and if this occurs without the prior authorization of the Department Head, the employee may be subject to corrective or disciplinary action.

10. FMLA.

10.1 State FMLA, employee may substitute accrued paid leave time or choose to take unpaid leave; Federal FMLA, employees may be required to use all accrued paid leave time before receiving leave without pay.

11. Job Related Injury or Illness.

11.1 Employees are expected to adhere to the policies and procedures outlined in Eau Claire County Policy 715, Illness/Injuries.

12. Payment Upon Separation. Regular employees who leave the employ of the county in good standing and upon giving notice or employees separated by the county for other than disciplinary or performance reasons will receive payment for unused PTO as outlined below.

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- 12.1** Regular fulltime employees hired on or before November 3, 2013 who leave their position in good standing will be eligible for PTO/ELB separation pay as follows:
- 12.1.1** Less than 10 years of employment. For an employee with less than 10 years of creditable employment in a regular position the employer will pay the total accumulated amount of PTO and ELB into the post-employment health plan as provided in 12.1.5 to a maximum of 180 hours at the employee's rate of pay at separation
- 12.1.2** .
- 12.1.3** 10 years of employment. For an employee with 10 years or more of creditable employment in a regular position the employer will pay the total accumulated amount of PTO and ELB to a maximum of 480 hours with the first 200 hours paid in cash and the remainder into the post-employment health plan as provided in 12.1.5 at the employee's rate of pay at separation.
- 12.1.4** 20 years of employment. For an employee with 20 years or more of creditable employment in a regular position the employer will pay the total accumulated amount of PTO and ELB to a maximum of 640 hours with the first 200 hours paid in cash and the remainder into the post-employment health plan as provided in 12.1.5 at the employee's rate of pay at separation.
- 12.1.5** 20 years of employment and 50 years of age or retiring. For an employee with 20 years or more of creditable employment in a regular position, and 50 years of age or retiring, the employer will pay the total accumulated amount of PTO and ELB to a maximum of 1,000 hours with the first 200 hours paid in cash and the remainder into the post-employment health plan as provided in 12.1.5 at the employee's rate of pay at separation.
- 12.1.6** Election of Form of Benefit. Within thirty (30) days of receiving written notice of an employee's termination, the employer will elect the form in which the terminating employee will receive the Benefit. The Benefit can only be paid in one of the two forms outlined below. In making the election, the employer will consider several established factors including the terminating employee's access to other health insurance coverage, the value of the terminating employee's unused accumulated sick leave and extra retirement pay, and the ability of the terminating employee to demonstrate the need for coverage. The

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employer will notify the terminating employee in writing of the election made by the employer.

12.1.6.1 PRIME Trust, or the Medical Plan Trust.

12.1.6.2 Retirement Plan Trust and or 457 (b).

12.2 Regular fulltime employees hired after November 3, 2013 who leave their position in good standing will be eligible for PTO separation pay as follows:

12.2.1 More than three but less than 10 years of employment. For an employee with more than three but less than 10 years of creditable employment in a regular position the employer will pay the total accumulated amount of PTO to a maximum of 150 hours in cash at the employee's rate of pay at separation.

10 years of employment. For an employee with 10 years or more of creditable employment in a regular position the employer will pay the total accumulated amount of PTO to a maximum of 350 hours with the first 200 hours paid in cash and the remainder into the post-employment health plan as provided in 12.2.4 at the employee's rate of pay at separation.

20 years of employment. For an employee with 20 years or more of creditable employment in a regular position the employer will pay the total accumulated amount of PTO to a maximum of 500 hours with the first 200 hours paid in cash and the remainder into the post-employment health plan as provided in 12.2.4 at the employee's rate of pay at separation.

12.2.2 Election of Form of Benefit. Within thirty (30) days of receiving written notice of an employee's termination, the employer will elect the form in which the terminating employee will receive the Benefit. The Benefit can only be paid in one of the two forms outlined below. In making the election, the employer will consider several established factors including the terminating employee's access to other health insurance coverage, the value of the terminating employee's unused accumulated sick leave and extra retirement pay, and the ability of the terminating employee to demonstrate the need for coverage. The employer will notify the terminating employee in writing of the election made by the employer.

12.2.2.1 PRIME Trust, or the Medical Plan Trust.

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12.2.2.2 Retirement Plan Trust and or 457 (b).

12.3 Regular part-time employees who leave their position in good standing will be eligible for PTO separation pay as follows:

Length of Service	% of payout at time of separation	Maximum Payout Hours
0 – 3 rd Anniversary	0	0 hours
3 rd – 5 th Anniversary	25%	50 hours
5 th - 10 th Anniversary	50%	100 hours
10 th -15 th Anniversary	75%	150 hours
After 15 years	100%	200 hours

12.4 Employees separated for disciplinary or performance reasons or fail to provide a two-week notice (30-days for supervisory and department head positions) of intent to terminate will receive no separation benefit.

13. Conversion.

13.1 Effective November 3, 2013, all accumulated vacation leave, sick leave, and floating holidays will be converted as follows:

13.1.1 If an employee has accumulated less than 280 hours combined vacation leave, sick leave, and floating holidays, all hours will be converted hour for hour to a PTO account.

13.1.2 If an employee has accumulated more than 280 hours combined vacation leave, sick leave, and floating holidays, 280 hours will be converted hour for hour to a PTO account and the balance will be converted hour for hour to an ELB.

13.1.3 If an employee does not have an ELB established at the point of conversion, an ELB cannot be created in the future. In addition, employees who establish an ELB cannot convert hours from the PTO account to the ELB in the future.

13.2 Low Sick Leave Usage Incentive. Upon conversion, employees will not receive a low usage sick leave incentive payment.

14. PTO Service Credit at Hire.

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- 14.1** A Department Head may recommend to the Human Resource Director that a new hire be given credit for length of service for employment experience directly related to the position to which the employee is being appointed or to match the current leave accrual provided by the employee's most recent employer. The recommendation must be in writing and based on the Department Head's assessment of the employee's qualifications beyond the minimum requirements, recruitment considerations, or service accrual provided by the employee's previous employer.
- 14.2** The length of service credit plus the employee's subsequent actual length of service with the County will be the basis for future accrual determinations. No additional length of service credit shall be granted after initial appointment to the County.

15. Extended Leave Bank.

- 15.1** An employee who is sick uses their PTO account for the missed time. Anytime a single occurrence illness/injury results in the loss of more than three days' time an employee with an ELB is eligible to use time from that bank. When that option is selected by the employee, they may choose for the deduction to revert back to the first day, so that the first three days are deducted from the ELB (not the PTO account), plus the additional missed days. This should be documented as ELB on the employee timesheet. To utilize the ELB, the employee may be asked to submit documentation from a physician to verify illness or injury.

- 15.1.1** The ELB may be used for a single occurrence illness/injury results in the loss of more than three days' time to care for an immediate family member.

- 15.2** The County reserves the right to have a second medical opinion at its own expense.

16. Death While An Active Employee.

- 16.1** All accumulated unused PTO and ELB for which the employee may have otherwise been eligible will be transferred to the Post Employment Health Plan (PEHP)/Health Trust Account as defined in Eau Claire County Policy 603.

- 16.1.1** If there is not a surviving qualified family member as defined in the Post Employment Health Plan policy, payment will be made to a deferred compensation plan.

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17. Restrictions.

- 17.1** PTO and the ELB are for the personal use of the employee only. Should the PTO balance fall below "0", the employee will only receive compensation for hours actually worked. Should this happen, the employee may be subject to corrective or disciplinary action.
- 17.2** An employee cannot be paid for time at work and receive PTO pay at the same time.
- 17.3** PTO cannot be used in the same payroll period in which it is earned.
- 17.4** Employees who are ill should not report to work. Department Heads or supervisors have the right to judiciously assess the health of an employee and, if the employee is deemed to be "too sick to work", the Department Head or supervisor can send the employee home.
- 17.5** Upon written request, the County may allow employees to use accrued paid time during the initial three (3) day waiting period for worker's compensation benefits.
 - 17.5.1** Following the initial three (3) day waiting period, employees may not supplement workers' compensation benefits by utilizing accrued paid time or any other means available to them through the County benefit program. Employees will receive benefits as outlined by, and in accordance with the Wisconsin Workers' Compensation Act.
 - 17.5.2** PTO and the ELB may not be used to supplement income received from a county disability insurance plan.

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