



**St. Johns County Administrative Code
Section: Human Resources**

Title:	408 Leave	Issued: April 1992
Reference: DOL, FMLA, USERRA, SJC RES. 82-30, F.S. 110.121, F.S. 741.313, #2038 CBA, #3865 CBA		Revised: August 2007 June 2012 January 2023

Leave provisions are applicable to all employees of the Board of County Commissioners. Any exception to a provision as covered under a collective bargaining agreement (CBA) is indicated as *[unless otherwise specified]*.

408.1 Administrative Leave Paid/Unpaid

Administrative Leave, excluding court time, is authorized at the discretion of the County Administrator or designee. Employees who are placed on Administrative Leave are temporarily relieved of their normal job responsibilities and may/may not be eligible to receive pay based on their regular work schedule.

408.1.1 Court Time

Employees who are summoned or subpoenaed to represent a County department as a witness or defendant are not considered on administrative leave. Their appearance is considered as part of the employee's regular job assignment. Employees will be eligible to be paid for incurred per diem and travel expenses after depositing any funds received from the court to Finance. Administrative leave with pay will not be granted for court attendance when an employee is engaged in personal litigation or when appearing as a witness in a case not involving St. Johns County.

Employees summoned to jury duty will be eligible to receive administrative leave with pay after depositing any funds received from the court to Finance. The County will not reimburse employees for incurred per diem and travel expenses for having served as a juror.

408.1.2 Voting Time

Full time and part time employees may be granted one (1) hour of administrative leave with pay for the purpose of voting during their regularly assigned work schedule for the period of early voting or on Election Day. Employees shall not be granted administrative leave with pay for the purpose of working polls during elections.

408.2 Bereavement Leave

Full time and part time employees may be granted up to three (3) days of bereavement leave with pay when a member of the employee's immediate family dies or up to five (5) days if the funeral is more than five hundred (500) miles roundtrip from St. Johns County *[unless otherwise specified]*. Bereavement leave is paid based on the employee's regularly scheduled work hours. For purposes of this subsection only, "immediate family" is defined as the employee's spouse; child, foster child, step-child; parent, parent-in-law, step-parent; sibling, sibling-in-law, step-sibling; grandparent, grandparent-in-law, step-grandparent, grandchild, and step-grandchild.

Departments may request the name of the deceased individual, the employee's relationship to the deceased, the date of death, and certification prior to approval of bereavement leave. The Department Director, with approval from the Human Resources Director, may grant additional bereavement leave not outlined in this policy.



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408.3 Birthday Leave

Full time employees are granted one (1) paid day off per fiscal year in observance of their birthday, not to exceed eight (8) hours *[unless otherwise specified]*. New full-time employees are eligible to take birthday leave during the six (6) month introductory period. Part time employees are not eligible for birthday leave.

Birthday leave may be taken at any time in the fiscal year but may not, under any circumstance, be carried forward into the following fiscal year. The County will endeavor to grant the employee's preference as to date of birthday leave; however, the approval shall be at the discretion of the department in order to maintain effective operations.

408.4 Holidays

Official holidays observed by St. Johns County:

New Year's Day	January 1 st
Dr. Martin Luther King, Jr.'s Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Good Friday	Friday before Easter
National Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Thanksgiving Friday	4 th Friday in November
Christmas Eve	December 24 th
Christmas Day	December 25 th

The St. Johns County Board of County Commissioners may also declare holiday leave on any other day. Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on a Sunday will be observed on the following Monday. To be eligible to receive holiday pay, employees are required to work their regularly scheduled hours the workday preceding and workday following the holiday. An approved vacation day or any other excused, paid day off is considered a day worked for purposes of holiday pay eligibility.

- Full time employees shall be paid no more than eight (8) hours for all holidays approved by the Board *[unless otherwise specified]*.
- Part time employees shall be paid no more than the number of hours normally scheduled to work if the holiday falls on their normal workday, not to exceed eight (8) hours.

408.5 Vacation Leave

Vacation leave shall be considered an earned benefit. Full time and part time employees will accrue vacation hours each pay period over twenty-six (26) pay periods *[unless otherwise specified]*. The amount of vacation which an employee accrues depends on their status and length of continuous years of service completed.

- Part time employees accrue vacation hours on a prorated basis of 3.0770 each pay period, regardless of length of continued service.
- Full time employees hired prior to January 1, 1997, accrue vacation hours on a basis of 9.2307 each pay period up to 30 days per year *[unless otherwise specified]*.



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- Full time employees hired on or after January 1, 1997, accrue vacation as follows [*unless otherwise specified*]:

Years of Service Completed	Up to Days Per Year	Hours Per Pay Period
0 to 3	10	3.0770
4 to 10	15	4.6160
10+	20	6.1540

- Employees who move from one Board of County Commissioners position to another retain their leave anniversary date and accrued vacation leave balance, provided there is no break in employment.
- Employees on an approved leave of absence may continue to earn vacation hours each pay period.
- Vacation earned during any pay period is credited to the employee on the last day of that pay period, or in case of separation, on the last day the employee is on the payroll.

408.5.1 Use of Accrued Vacation

Use of vacation hours may not be requested prior to accrual. Vacation should be used to provide a periodic time away from work; however, earned vacation hours may be used for any purpose when authorized by the employee's Department Director or designee. The County will endeavor to grant the employee's preference as to dates of vacation; however, the approval of requested vacation dates shall be at the discretion of the department in order to maintain effective operations.

New employees may use accrued vacation hours starting on the first day following six (6) months of employment. Regular status employees who have been promoted or transferred into another Board of County Commissioners position may request to use their available vacation hours while on a probationary status.

408.5.2 Payment for Accrued Vacation

Vacation hours are paid at the employee's current rate of pay. Unused vacation may be accumulated to a maximum of two hundred forty (240) hours annually with the exception of Senior Management [three hundred twenty (320) hours] and 24/48 Personnel [three hundred sixty (360) hours]. Employees may accumulate leave above the maximum hours, but on the last full pay period in the calendar year, any excess leave will be forfeited, with the exception of Senior Management.

- Full time and part time employees who leave the employment of the County as a result of a voluntary resignation or retirement may be paid for unused accrued vacation hours up to the annual accumulated maximum. If an employee fails to give their Department Director or designee at least two (2) weeks' notice prior to resigning, or if the employee is discharged by the County, the unused vacation will be forfeited unless otherwise determined by the County Administrator.
- Full time and part time employees who leave the employment of the County as a result of a layoff or reduction in force shall be paid for unused accrued vacation hours up to the annual accumulated maximum.
- New employees who terminate their employment before completing the six (6) month introductory period forfeit all accrued vacation leave.

Payments for unused accrued vacation will be made in a lump sum. In the case of the employee's death, payment for accrued vacation will be made to the employee's estate or as otherwise provided by law.

408.5.3 Unforeseen Emergency

In an unforeseen emergency situation, employees who have completed one (1) year of employment may



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request to be paid up to a maximum of forty (40) hours [*unless otherwise specified*] of their vacation hours per fiscal year. Approval for the request is at the discretion of the County Administrator and dependent on employee provided documentation, subsequent to recommendations from the Department Director and Human Resources.

408.5.4 Charitable Vacation Donation

Employees may donate up to twenty-four (24) hours of their accrued vacation leave to the United Way of St. Johns County each fiscal year. Employees may designate the local organization within United Way or choose to support the United Way in general. In keeping with the United Way of St. Johns County policies, all funds remain in St. Johns County.

This vacation donation is taxed under the applicable IRS guidelines and the balance is sent to the United Way via a one-time payroll deduction. The option for charitable giving provided under this policy is subject to review and cancellation at any time by the County.

408.6 Sick Leave

Sick leave shall be considered an earned benefit. Full time and part time employees will accrue sick leave each pay period over twenty-six (26) pay periods. The amount of sick leave which an employee accrues depends on their status.

- Part time employees who work less than a forty (40) hour work week earn sick leave on a prorated basis.
- Full time employees who are not in a temporary status earn 3.6960 hours of sick leave every pay period for eighty (80) hours of work [*unless otherwise specified*].
- Employees who move from one Board of County Commissioners position to another retain their leave anniversary date and accrued sick leave balance, provided there is no break in employment.
- Employees on an approved leave of absence may continue to earn sick hours each pay period.
- Sick leave earned during any pay period is credited to the employee on the last day of that pay period or in case of separation, on the last day the employee is on the payroll.

408.6.1 Use of Accrued Sick Leave

Use of sick leave may not be requested prior to accrual. Sick leave may only be used with the approval of the employee's Department Director or designee for the following qualifying purposes:

- Employee's own personal illness, injury, scheduled health related appointment, or exposure to a contagious disease.
- Employee's care of an immediate family [defined as spouse, child, or parent] who is ill, injured, convalescing or for a scheduled health related appointment.
- Employee has reported for work, but in the judgment of the supervisor is unable to work due to personal illness, injury, or exposure to a contagious disease.

Employees must notify their immediate supervisor of any planned use of sick leave as soon as they are aware of the need and are expected to make a reasonable effort to schedule appointments so as not to unduly disrupt department operations. For any unplanned use of sick leave, employees must notify their immediate supervisor no later than the first hour of the first day of the absence unless otherwise directed by the department. The Department may require the employee to submit a physician's note upon return to work or after three (3) consecutive workdays of absence before authorizing additional use of sick leave. If the employee is unable to return to work after all sick leave has been exhausted, the employee must use accrued vacation leave before being placed in a leave without pay status.



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New employees may use accrued sick hours starting on the first of the month following six (6) months of employment. Regular status employees who have been promoted or transferred into another Board of County Commissioners position may request to use their available sick hours while on a probationary status.

408.6.2 Payment for Accrued Sick Leave

Sick hours are paid at the employee's current rate of pay. Unused sick leave may be accumulated to a maximum of twelve hundred (1,200) hours *[unless otherwise specified]*.

- Full and part time employees with at least six (6) years of continuous service, who leave the employment of the County as a result of a voluntary resignation or retirement, may be paid for one-fourth (1/4) of all unused accrued sick leave, not to exceed three hundred (300) hours. If an employee fails to give their Department Director or designee at least two (2) weeks' notice prior to resigning, or if the employee is discharged by the County, the unused sick leave will be forfeited unless otherwise determined by the County Administrator.
- Full and part time employees with at least six (6) years of continuous service, who leave the employment of the County as a result of a layoff or reduction in force, may be paid for one-fourth (1/4) of all unused accrued sick leave, not to exceed three hundred (300) hours.
- Employees who separate from the County with less than six (6) years of continuous service will forfeit any unused sick leave.

All such payments for unused sick leave will be made in a lump sum. In the case of the employee's death, payment for accrued sick leave will be made to the employee's estate or as otherwise provided by law.

408.7 Leave of Absence

A leave of absence is any authorized extended absence from work for medical, military or domestic violence related reasons. Employees may be eligible for up to a maximum of one hundred and eighty (180) calendar days of leave during any 12-month period except as allowed for military leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

408.7.1 Requesting Leave and Complying with County Policy

Employees must comply with County's guidelines for requesting a leave of absence and provide enough information for the County to reasonably determine whether the Family Medical Leave Act (FMLA), USERRA, or Domestic Violence law may apply to a request.

- Employees generally must request leave thirty (30) days in advance when the need for leave is foreseeable or as soon as possible if the leave is unforeseeable.
- The County may require certification in support of the leave of absence request and annual recertification for a recurring request.
- Employees must report on their status and intent to return to work as required while on a leave of absence.

408.7.2 Scheduling of Intermittent Leave

If an employee needs an intermittent leave of absence, the employee must make a reasonable effort to schedule leave so as not to unduly disrupt department operations. Employees requesting intermittent leave may be temporarily transferred to another job with equivalent pay and benefits that better accommodates recurring periods of leave, with the approval of the Department Director and Human Resources. Upon return from approved leave, all reasonable efforts will be made to place the employee in their former position. In the event this is not possible, the employee will be provided with the opportunity to apply for vacant positions.



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408.8 Family and Medical Leave Act (FMLA)

It is the County's policy to comply with all applicable laws that afford protection rights to employees who need family and medical leave, including the FMLA. The FMLA entitles eligible employees of the County to take up to twelve (12) work weeks of unpaid, job-protected leave in a defined twelve (12) month period for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. An eligible member may also qualify for Qualified Exigency Leave due to a spouse, son, daughter, or parent being on covered active duty or having been notified of an impending call or order to covered active duty in the armed forces. This benefit also provides up to twelve (12) workweeks of FMLA leave.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also care for the service member while they suffer from a serious injury or illness (referred to as Military Caregiver Leave). Under this type of FMLA leave, an employee is entitled to a maximum of 26 weeks of leave in a twelve (12) month period beginning on the first day that the employee takes this form of leave.

408.8.1 FMLA Eligibility

Employees are eligible if they have worked for the County for at least 12 months and have at least one thousand two hundred fifty (1,250) hours of service with the County during the twelve (12) month period immediately preceding the leave. All leave covered by Workers' Compensation will also be counted as FMLA leave to the extent the leave qualifies as permitted by law.

408.8.2 Measuring the FMLA 12-Month Period

The County has established the twelve (12) month period as a rolling 12-month period measuring backward from the first date an employee uses FMLA leave. Each time an employee takes FMLA leave, the remaining entitlement is the balance of the twelve (12) weeks that has not been used during the preceding twelve (12) month period.

408.8.3 Leave Increments for Child Birth, Adoption, or Foster Care Placement

Leave taken for bonding with the employee's child must be taken as a continuous block of leave and cannot be taken intermittently. However, the employee may be entitled to intermittent leave to attend counseling sessions, appear in court, consult with their attorney or the birth parents' representative(s), or for travel to complete an adoption before the actual placement. An employee's entitlement to leave for bonding expires twelve (12) months after the date of the birth, adoption, or placement of the child. Eligible spouses who both work for the County are limited to a combined total of twelve (12) workweeks of leave in a twelve (12) month period for the birth and bonding of a newborn child or the placement of a child with the employees for adoption or foster care.

408.8.4 Health and Supplemental Insurance Coverage

If an employee is enrolled in group health and supplemental insurance, the employee is entitled to the continuation of insurance coverage during leave, on the same terms as if they had continued to work. The County will pay its portion of the premium for insurances in force in accordance with other County policies. The employee must make any normal contributions to the cost of the health and supplemental insurance premiums through payroll deduction. An employee on unpaid leave must make arrangements to pay the normal employee portion of insurance premiums in order to maintain insurance coverage. Failure to do so may result in termination of coverage.

408.8.5 Substitution with Accrued Leave and Return to Work

The County requires employees to use accrued sick and vacation leave while on applicable family and medical



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leave including supplementation of any non-paid leave. Employees must follow the County's normal leave guidelines in order to substitute paid leave.

Employees returning from leave for their own serious health condition must provide certification from their health care provider that states they are able to resume work and perform the essential duties of their regular job. If an employee is not able to perform all the essential duties of their regular job and would like to request transitional duty, any restrictions must be discussed and approved by the department and Human Resources.

408.9 Military Service Leave

It is the County's policy to comply with all applicable laws that afford protection rights to employees serving duty with the military, the Reserve and National Guard, including the Uniformed Services Employment and Reemployment Rights Act (USERRA). It is the responsibility of the employee to notify their department and Human Resources of upcoming military duty by providing a copy of official orders or appropriate military certification as soon as possible.

Employees who require time off work to fulfill military obligations shall be entitled to a leave of absence from their position with eligible pay during the period in which the employee is engaged in annual field training, coast defense exercise, or other active duty or training exercises, or who is ordered by the Selective Service Board to appear for an examination for induction into the military service. The County will utilize the fiscal year for the purpose of complying with annual leave calculation and pay.

408.9.1 Health and Supplemental Insurance Coverage

If an employee is enrolled in group health and supplemental insurance, the employee is entitled to the continuation of insurance coverage during leave, on the same terms as if they had continued to work for up to twenty-four (24) months under USERRA. The County will pay its portion of the premium for insurances in force in accordance with other County policies. The employee must make any normal contributions to the cost of the health and supplemental insurance premiums through payroll deduction. An employee on unpaid leave must make arrangements to pay the normal employee portion of insurance premiums in order to maintain insurance coverage. Failure to do so may result in termination of coverage.

408.9.2 Substitution with Accrued Leave and Return to Work

Under the USERRA an employee may elect to use accrued vacation while on military service leave. Upon an employee's return from military service, they will be eligible for reinstatement as provided in the USERRA. The employee must report to work and provide the County with a discharge certificate of satisfactory completion of service within the time period dictated by the USERRA.

408.10 Domestic Violence Leave

Employees who have worked for the County for at least three (3) months may request to take up to three (3) working days of leave from work in any twelve (12) month period if the employee or a family or household member of the employee is the victim of domestic violence or sexual violence. Such leave may be for the purpose of seeking an injunction or legal services for protection against domestic violence, obtaining medical care or mental health counseling to address physical or psychological injuries resulting from the act of domestic violence, or obtaining services from a victim services organization.

Employees may use accrued sick and vacation while on domestic violence leave including supplementation of any non-paid leave. Employees must follow the County's normal leave guidelines in order to substitute paid leave.



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408.11 Sick Pool

Full time employees who have completed one (1) continuous year of employment with the Board of County Commissioners may voluntarily elect to participate in a sick pool to have access to a source of additional hours in the event they exhaust their own leave balances.

408.11.1 Membership

Eligible employees must have a minimum of eighty (80) hours of combined sick and vacation leave and submit a pool agreement form to join the sick pool. Employees must donate forty (40) hours of sick and/or vacation leave to join or rejoin the pool [*unless otherwise specified*]. Leave hours donated to join or remain active in the pool are permanently forfeited. Employees may be required to donate eight (8) hours to the pool annually to maintain membership.

408.11.2 Use of Pool Hours

Employees must submit a request along with certification from a health care provider to Human Resources for approval of use. Employees must exhaust all accrued sick and vacation hours prior to using pool hours and may only use a maximum of two hundred (200) pool hours in a calendar year [*unless otherwise specified*]. Pool hours may only be used after employees have been absent for five (5) continuous work days, and in cases of illness, accident, or injury to self, but not for absences relating to Workers' Compensation or intermittent leave.

Unused pool hours shall not be transferred or converted to cash upon the employee's transfer to a position not eligible for such benefit or separation (under any condition). Substantiated abuse of pool use may result in the revocation of membership and repayment of hours.

408.12 Compassionate Leave

Compassionate hours are a means to offset financial challenges in the event an employee exhausts their own leave balances due to acute illness, accident, or injury to self or to serve as the primary caregiver to an immediate family member [defined as the employee's spouse, child or parent]. Approval for use of compassionate hours is at the discretion of the County Administrator.

408.12.1 Donors

Employees must complete their six (6) month introductory period and submit a donor form to be able to voluntarily donate vacation hours to an approved recipient. Employees must donate a minimum of eight (8) hours and have at least eighty (80) hours remaining after the donation. Donated hours are transferred from the donor to the recipient as needed.

408.12.2 Recipients

Employees must complete their six (6) month introductory period, submit a request form to their department director for review and provide certification from a health care provider to Human Resources. Employees may not directly or indirectly solicit donations. If approved, employees must exhaust and continue to exhaust all accrued sick, vacation, and sick pool hours (if applicable) prior to receiving donated hours. Employees may receive a maximum of two hundred forty (240) donated hours with the exception of Senior Management [three hundred twenty (320) hours] and 24/48 Personnel [three hundred sixty (360) hours] in any six (6) month period from the first date of use.