

Family Resource Manual



Fairfax County Police Department
Fairfax County, Virginia

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INTRODUCTION

The Fairfax County Police Department considers all of its members to be part of our Police family and we are committed to ensuring all resources are available to assist employees with family and career decisions. This manual provides employees with valuable information to help develop a foundation of knowledge related to pregnancy and child care policies. Specific policies discussed in this manual include protection under the law, the Department's restricted duty policy, family leave rules, fitness for duty, and job restoration.

The Department stands ready to work with all employees to ensure they are aware of the specific policies and programs that provide opportunities to take leave after the birth or adoption of their child and to support them as they return to work. Additionally, the Department's enhanced Wellness Program includes resources designed to assist employees in their return to work after childbirth.

The Department is committed to helping its members by providing resources to help strike a balance between career and family decisions. Employees should not hesitate to contact their commanders directly to ask questions and to develop family care plans. Employees may contact the Commander of the Administrative Support Bureau, at 703-246-7575, should they have any further questions, comments, or concerns about the application of the information contained in this manual.

Section 1

Legal Rights and Responsibilities for Employees Regarding Family Leave

The Fairfax County Police Department supports and upholds federal, state, and local laws and statutes designed to protect the legal rights of all employees.

Virginia Human Rights Act and Law 2.1-714-725

The Virginia Human Rights Act, which went into effect in CY 1987, covers all employers and prohibits discrimination in employment based upon race, color, religion, national origin, sex, age, marital status, disability, pregnancy, childbirth, and related medical conditions. The law (2.1-714-725) makes a violation of the federal discrimination statutes a violation of Virginia law.

Circumstances arise in all families where employees will need to assess the possibility of taking Family and/or Medical Leave to provide for family members. The Family and Medical Leave Act of 1993 define those instances where leave may be granted.

Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3)

Under the FMLA, an eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period for one or more of the following reasons:

- The birth of a child, and to care for the newborn child.
- The placement of a child with the employee through adoption or foster care, and to care for the child.
- To care for the employee's spouse, son, daughter, or parent with a serious health condition.
- Because a serious health condition makes the employee unable to perform one or more of the essential functions of his or her job.

Types of leave and complete definitions may be found in the Fairfax County Personnel Regulations, Chapter 10. This document may be found on the Infoweb under "Personnel Regulations". Information specific to Family and/or Medical Leave may be found in the abridged version (Appendix 3), as well as in the Fairfax County Procedural Memorandum # 43, "Family and Medical Leave" (Appendix 4).

During Family and Medical Leave, an employer must maintain the employee's existing level of coverage under a Group Health Plan. At the end of Family and Medical Leave, an employer must take an employee back into his or her former position. Any exception to this must be approved by the Personnel Director. To request placement of an employee into a different but equivalent position, the Department must provide the Personnel Director with detailed justification of the reason the employee cannot be returned to his or her former position.

If circumstances develop which require the employee to continue on Sick Leave, a request for Advance or Extraordinary Sick Leave can be made. Procedures pertaining to this benefit are detailed in County Procedural Memorandum #3, "Advance/Extraordinary Sick Leave" (Appendix 5).

Legal Rights and Responsibilities for Pregnant Police Officers

The Department recognizes that pregnancy is a normal occurrence in a woman's life and career, and we wish to provide useful information regarding the employee's legal rights and responsibilities. As well, the Department feels it is important to stress our recommendation of "safety first" for the pregnant employee and her unborn child.

The following paragraphs provide a brief overview of the relevant laws and standards designed to protect the rights of pregnant women.

Pregnancy Discrimination Act

The Pregnancy Discrimination Act (Appendix 1) is an amendment to Title VII of the Civil Rights Act of 1964. The Act states that discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Title VII's pregnancy-related protections include hiring, pregnancy and Maternity Leave, health insurance, and fringe benefits. An excellent summary of the Act can be found at <http://www.EEOC.gov/types/pregnancy.html>.

It is important to note that pregnant employees have a right to work as long as they are safely capable of performing their jobs. Therefore, the responsibility for determining when to leave the field and request a light duty assignment, in most situations, is determined by the pregnant police officer. The Public Safety Occupational Health Center, your primary care physician, and family are all valuable sources of information regarding this decision. More detailed information is explained in the County's Procedural Memorandum No. 9, "Employment Policies Relating to Pregnancy and Childbirth" (Appendix 2).

Fairfax County Police Department Standards

Any officer experiencing an on-duty or off-duty injury, illness, or disability that will cause any restriction in the ability to perform all essential job tasks shall be reported immediately by the officer through their Chain of Command to their respective Bureau Commander. Pregnancy is included in this context.

The decision to inform your Chain of Command of the pregnancy should be made for the best health interests of the unborn child. Some assignments may require exposure to lead and potential injury when dealing with adversarial situations.

To prepare yourself prior to informing your Chain of Command about a pregnancy, it is suggested you research the following:

- FCPD policies regarding Family Medical Leave.
- Understand how much leave will be needed in your situation.
- Medical issues that may occur while still on the job.
- Provide a Medical Status Report to facilitate accommodation through the Restricted Duty Policy (G.O. 331).
- Let the Supervisor know if you are not planning on returning to the job.

An employee should be aware that the Restricted Duty Policy can be enacted by:

- A memorandum to the Chief of Police through the Chain of Command. This memorandum must document the need for restricted duty status, an estimated date of departure for Maternity Leave, and an estimated date of return to full duty status. (Appendix 11)
- A Medical Status Report signed by the employee's physician (to be included with the memorandum). (Appendix 12)
- Upon return from Maternity Leave the employee must provide a Medical Status Form, completed and signed by the physician and filed with the Department.

The employee's Commander is responsible for notifying the Commander of the Administrative Support Bureau. Restricted Duty Assignments are coordinated and tracked in the Administrative Support Bureau. Restricted Duty Assignments are based on Departmental needs, as well as the needs of the employee. The Commander of the Administrative Support Bureau welcomes direct calls from employees to discuss individual needs.

Quick List of FMLA Rules

- Family Leave must be completed within twelve (12) months of the date of the birth or placement of the child. A father may also be granted Family Leave under FMLA.
- Family Leave may be taken intermittently or on a reduced schedule, but only with Supervisor's approval.
- In addition to the leave granted under FMLA, civilian employees and sworn officers may request additional leave if the purpose meets the criteria for Family and Medical Leave. A written request must be submitted to the affected Bureau Commander who may then approve up to a total of three (3) additional months of leave. The combined leave total may not exceed six (6) months, or 960 hours. This is not an option for probationary civilian or probationary sworn police officers. This policy is detailed in Command Staff Memorandum 02-148 – Family Support Policy – Extended Leave (Appendix 8).
- During the FMLA leave period, the County will continue coverage under the health insurance plan in which the employee is participating prior to going on leave. Coverage will be provided at the level and under the conditions which would have been provided if the employee had not gone on leave. If an employee uses Leave Without Pay during the twelve (12) week Family and Medical Leave entitlement, the County will continue to contribute the employer's share of the cost of the employee's health insurance plan. It will be the responsibility of the employee to ensure their portion is paid to the County.
- Employees on Family or Medical Leave whose health insurance coverage level changes (i.e., individual to two-party) are responsible for filing the appropriate health insurance forms within the specified time period.
- Range qualification will be suspended for as long as possible while an officer is pregnant or breast feeding. Overexposure to, or extensive handling of ammunition is hazardous. Each employee must qualify annually. However, a twelve (12) month extension can be granted through DCJS. If an officer is at risk of losing their DCJS certification and qualification must occur, the Range staff will take steps to minimize exposure. They will assure the following steps are taken:
 - Allow the officer to qualify solo.
 - The firing course will be run as expeditiously as possible.
 - Range staff will clean the officer's gun.

- Allow the donning of a face mask to reduce the amount of air-borne lead particles inhaled.
- Promptly excuse the officer from the Firing Range.

The Range staff strongly suggests that pregnant officers take the following precautions to minimize exposure:

- Wash hands immediately after shooting.
- Remove boots, and preferably leave them at work.
- Wash clothing separately as soon as practical, and avoid wearing them throughout their residence.

Section 2

Reproductive Health Hazards

The term “reproductive hazards” refers to substances or agents that may affect the reproductive health of women or men. Employees should consider the risks that are inherent in the law enforcement field. Examples of these risks include:

Physical confrontation

Serious injuries may occur while attempting to pursue or subdue a violent adversary during arrest or conflict situations. Therefore, a pregnant officer should take worst case scenarios into consideration in determining when to come off Active Duty.

Bio-hazard risks

Circumstances may arise where an officer would be exposed to contagious disease, i.e.: Tuberculosis, HIV, Hepatitis C, etc. This exposure would increase the risk to the officer and unborn child. Officers working patrol and investigative assignments would have the highest risk of encountering these hazards.

Firing Range

Duty assignments at the Firing Range also raise concerns due to the lead used in manufacturing bullets. The Risk Management Division conducts routine testing to assure lead levels at the Range remain at acceptable levels. However, it has been recommended that if a female Range instructor plans on becoming pregnant, or is pregnant, that she removes herself from this environment to minimize lead levels in her blood system. High lead levels are known to cause birth defects. It is also recommended to suspend Range qualifications if one is

pregnant or breast feeding. DCJS mandates annual qualifications; however an extension up to twelve months can be requested.

Response Driving

When operating a marked police cruiser an officer may be called into high stress and high speed driving situations. By being in a marked cruiser, citizens may also flag down an officer for assistance. Because of this, once an officer is placed on restricted duty, they are not allowed to operate a marked police vehicle.

Section 3

Maintaining Fitness during Pregnancy, Post Partum and Return to Duty

Recommendations regarding exercise during pregnancy have changed dramatically over the past 20 years. Guidelines published in 1985 by the American College of Obstetrics and Gynecology (ACOG) took the conservative approach, recommending that active women limit the type, duration and intensity of their exercise during pregnancy to minimize maternal and fetal risk (Clapp, 2002)¹.

Current research involving healthy, monitored women has addressed earlier concerns about exercise during pregnancy. Modern studies on aerobic and strength-conditioning exercise in pregnancy have shown no increase in early fetal loss, late pregnancy complications, abnormal fetal growth, or adverse neonatal outcomes. Conversely, research now indicates that moderate activity during pregnancy will enhance the health of the fetus and the mother. This suggests that previous recommendations have been overly conservative.

As a result, most physicians now recommend their patients (with uncomplicated pregnancies) participate in aerobic and strength-conditioning programs as part of a healthy prenatal and postnatal lifestyle (Clapp, 2002). The ACOG, in CY 2002, published new guidelines stating that healthy women may safely continue an already established exercise routine. These newer, less restrictive recommendations reflect conclusions researchers have come to in the past decade. The information on strenuous exercise is less conclusive. Some promising research is being done on the safety of strenuous exercise during pregnancy in the United States and Europe, but results are not yet published.

Table 3-1 on the following page provides a summary of the ACOG “Do’s and Don’ts” for exercise during pregnancy for healthy women.²

¹ FRD Pregnancy and Reproductive Health Plan

² FRD Pregnancy and Reproductive Health Plan

Table 3.1
American College of Obstetrics and Gynecology
Recommendations for Exercise During Pregnancy
For Healthy Women

DO:

Exercise moderately and regularly unless otherwise advised by your health care provider.
Emphasize non-weight bearing activities and those that don't require a keen sense of balance.
Wear loose-fitting, lightweight clothing that allows heat to escape and moisture to evaporate.
Drink plenty of fluids during exercise; eat appropriately.
Consume a healthy diet and gain weight as recommended.

DON'T:

Exercise or perform physical work to exhaustion. Instead, quit when you feel tired.
Exercise while lying on your back in the second and third trimester.
Exercise in hot, humid conditions.
Perform activities that may traumatize the abdomen or uterus or cause you to lose your balance.
Exercise when you're hungry.
Fast.

Currently there are guidelines only for mild-to-moderate exercisers. ACOG recommends those women who engage in strenuous activities, previously inactive women or those with medical or obstetrical complications, do so only with close medical supervision.

Because of the physical demands of police work it is imperative that women stay as fit as possible through their pregnancy. Nancy Burke-ATC and MPO Virginia Ranck-Wellness Coordinator / FCPD, as well as Station Wellness Coordinators are excellent sources of information concerning work out programs, injury care and prevention, and nutrition. However, no source of information should ever take the place of your physician.

Exercising While Pregnant

Benefits of Exercising while Pregnant

- Keeps heart strong and muscles and tendons more able to support loosened joints
- Helps relieve constipation
- Helps one sleep better
- Helps relieve backaches
- Studies show that the earlier a woman begins exercising the more comfortable she will be during the entire pregnancy
- Helps with breathing control
- Pre-pregnancy, during pregnancy and post-partum exercise will help you regain your fitness level
- Exercise releases endorphins which can help one feel better
- Healthy glow, better posture – helps one to look better!

Cautions

- If already exercising, keep it up; if starting a program, start slowly
- Avoid overheating especially during the first 6 weeks
- Avoid exercising flat on your back for long periods of time
- Choose exercises and programs that you can tolerate – anything that hurts is too much
- Avoid any activity that puts you at risk for being hit in the abdomen
- Avoid high-impact exercise
- Stay hydrated, eat a well balanced diet
- Talk with your physician about your exercise program; they may put limits on heart rate and blood pressure
- Stop exercising if you experience:
 - Shortness of breath
 - Bleeding
 - Rapid heartbeat (more than 140 beats per minute)
 - Dizziness
 - Pain

- Overheating, nauseated, dehydration

Pregnancy Fitness Activities

Aerobics: These classes have activities which are low impact, balance activities specifically for pregnant women.

Bicycling: Ride a stationary bike. Better to maintain balance and less risk of falling.

Running: If you are used to running, continue. Maintain your heart rate and body temperature at normal levels. If starting a new program, start with a walking program.

Stair Climbing Machines: Excellent exercise.

Stretching: Great exercise; however, don't stay on your back. Kegel exercises are excellent as well. They will be very helpful after delivery.

Swimming: Great exercise – non-weight bearing. No scuba diving because of the pressure changes.

Yoga: Most yoga classes are great forms of exercise and some yoga classes are offered specifically for pregnant women.

Post Partum Fitness

Being fit prior to delivery will make life so much easier during delivery. Now that the baby is born it is still necessary to keep up the fitness regime. So many benefits come from exercise after the birth. Much research shows exercise can combat depression, reduce stress, can promote healing and increase energy. Exercise can help maintain that balance of the ability to sleep soundly and have the necessary energies to care for the new baby as well as other family members. Return to pre-pregnancy weight and fitness will be quicker.

Once the baby has arrived, take time to rest, get used to new schedules for the baby and to heal. Start slowly when the physician has given the clearance to go back to exercising. Watch for signs that you may be doing too much: bleeding and pain. If either occurs – stop exercising and call the family physician. Too much, too soon is probably the issue here.

Start with walking and other examples of light exercise. Yoga, swimming, and stretching are good beginnings. Due to the softening of ligaments and joints for about three (3) months after delivery, avoid high-impact exercises (running, aerobics, jumping, etc.) and movements that require sudden changes in direction (sports such as soccer, basketball, running bases, etc) Make sure you have good support with an appropriate bra. If breastfeeding, exercise after feeding your baby when fullness is less likely to cause discomfort. Try to schedule exercise 3-to-4 times a week to be active. Don't expect too much too soon in getting back into shape. Allow reasonable time to do this, approximately up to one year.

For normal vaginal births, try this beginning program:

Day after delivery: Kegels, pelvic tilt, neck and shoulder stretches.

When able: light walking, light isometric exercise for abs, lower back and pelvic muscles.

After first Postpartum Check-up (6-8 weeks): Resume light exercise with your physician's permission.

Go slowly as with any exercise program.

For Cesarean births, try this beginning program:

Day after delivery: Kegels, deep breathing, pulling stomach muscles inward, neck and shoulder stretching.

When able: Light walking, light strengthening for lower back and pelvic muscles.

Wait 8 – 10 weeks and get your physician's clearance prior to beginning any more strenuous activity.

Tips for exercise after a Cesarean delivery:

- Wait until your physician has given clearance for exercise.
- Make sure postpartum recovery is going well.
- After the exercise, if there is no increase in vaginal bleeding, you may continue the next day.
- Make sure you recover from exercise without excessive fatigue and within normal time periods.

There is great information on breast feeding while exercising, how to lose the abdominal flab and different fitness programs. Resources are available in Section 5 (Contact and Resource Section) of this Manual. Be careful about hurrying too quickly to increase the level of intensity in exercising. Tissues must heal in order to prevent problems later, such as incontinence, prolonged back pain, and bleeding. Again, the more fit prior to delivery the more quickly one will recover from the physical trauma.

When to exercise?

Take your baby along when you walk; just make sure the baby is protected from the elements. During naptime there are exercise videos, weights, and other in-home fitness equipment.

Keep in mind during your exercise routine, that when the time comes to return to full duty, it may be necessary to re-qualify at the Range. Add some forearm strengthening exercises to your routine.

Section 4

Return to Work

When setting a specific “back-to-work date” ensure it is medically reasonable by consulting your doctor. Although this may change slightly, you can always communicate changes to your Supervisor.

Employees should review eligibility under the Family Medical Leave Act and other laws that pertain to returning to work in Virginia, the County of Fairfax, and the Fairfax County Police Department (Section 1 of the Family Medical Resource Manual).

Recommendations for Preparing Your Return to Work

- Leave the child with a caregiver for short periods of time.
- Use this time to prepare for going back to work.
- Do a “dummy run” to work; this will give an idea of how much time to add on if dropping your baby off at childcare.
- Talk to co-workers to catch up on changes that have happened while on leave, and ensure your supervisor coordinates re-certifications.
- Consider part-time and build up to full-time.
- Make alternative childcare plans in case of getting held over.
- If feasible, hire a house cleaning service.
- Make sure you get your sleep.

Jobsite Preparation

- If one has a partner, identify how the workload will be shared - prior to returning for work.
- If a single parent, network with other single parents.
- Check all the available resources; i.e., Fairfax County, DC Metro area, web resources to name a few, for information about balancing work, home life, and relationships.

Work Schedule Options

It is the goal of the Department to assure that all officers return to work on a full - time basis. However, returning to work after the birth/adoption of a child can prove challenging, and involves many issues with child care. The Department understands it is imperative to enable officers to balance life, work, and family needs. Policies have been developed and implemented to assist with these life challenges. Although some positions allow for minimal flexibility, Supervisors and employees are encouraged to find fair and flexible solutions to personal needs, while supporting the goals and objectives of the Department. Some of the policies which address these options are:

- **Alternate work schedules:** In an effort to accommodate work/family and other personal needs of employees, County Agencies are encouraged to consider flextime or compressed work schedules. Procedural Memorandum #45, "Flextime/Compressed Work Schedules" is attached (Appendix 9) and provides detailed information. Policy questions may be directed to the Employee Relations Division at 703-324-3495. Such scheduling may be affected by operational constraints or Fair Labor Standards Act overtime requirements.
- **Telework:** The County's Telework program is called "Fairfax Telework." Under this program, eligible employees can work at home or another location during normal work hours instead of commuting to the main work site. The most common Telework arrangements are one-to-two days per week. For more information about Telework, visit the County's Telework website at Infoweb/Telework. To request a Starter Kit, or to contact the "Fairfax Telework" program manager, send an email to telecommuting@fairfaxcounty.gov.
- **Job Sharing:** Job sharing is available in certain situations in Fairfax County. Job sharing is an arrangement where two workers share the responsibilities of one full-time job. Employees may split each day or week, split the pay period, or work alternate days. A job-share position may be beneficial to both the County and the employees by providing the Department with additional resources. In addition, a job-share situation may allow the Department to retain a valued employee who can no longer work 40 hours per week, and provide job opportunities to parents who have child care needs. While not all jobs are readily shared, interested employees can submit requests to the Commander of Administrative Support Bureau. For additional information, Procedural Memorandum #20, "Job Shared Positions" is attached (Appendix 10).
- **Part-Time Position / Reduction of Hours:** Part time positions and a request for a reduction of hours are possibilities but are handled on a case-by-case basis. An employee must notify their Commander of their request and then contact the Commander of the Administrative Support Bureau.

Child Care Resources

The Fairfax County Employee's Child Care Center (ECC), which is located at 12011 Government Center Parkway, provides care for employee's children between the ages of six (6) weeks and five (5) years. Their hours of operation are 0715 hours until 1745 hours, and enrollment is based on available space. Because of the demand for this service, it is recommended that an employee who desires to use the ECC register upon learning of the pregnancy. When the opening is available, an employee may have the slot held for up to 90 days, but must pay for the slot even if it is not being utilized. The fee schedule is based on the child's age and the adjusted family income. Payment for the ECC is through a payroll deduction. For more information please contact the Center at 703-324-7370, or you may review the web site at www.fairfaxcounty.gov/childcare/eccc.htm.

Fairfax County also offers information on the County website's Child Care Central at <http://www.fairfaxcounty.gov/ofc/>. Information is offered regarding various types of child care, as well as the ability to conduct an on-line search of licensed child care providers within Fairfax County at <http://www.fairfaxcounty.gov/childcare/search/searchchildcare.asp>.

Each family must determine what child care arrangement meets their needs. If child care outside of Fairfax County is your family's solution, it is suggested that contact be made with the County in which you reside to locate Certified Day Care providers.

The Virginia Department of Social Services provides a resource document that provides valuable information on what to look for in a child care setting, what to expect from a provider, interview checklists, etc. This guide and additional information can be located at <http://www.dss.virginia.gov/family/cc/index.html>.

Fitness for Duty

Fitness for duty is another concern women face when returning to work after pregnancy. A Medical Status report must be completed by your physician to clear you to return to full duty status.

Weight gain commonly occurs during pregnancy and women often require six (6) months or longer returning to their pre-pregnancy weight. Furthermore, diminished levels of fitness (strength and aerobic capacity) can also accompany pregnancy. Both of these conditions can be of concern for women returning to full duty.

Sample aerobic activities include walking, jogging, running, elliptical machines, stair stepping machines, swimming, rowing, hiking and biking (stationary and road), yoga, and martial arts. Sample strength activities include using the body

as weight resistance, dumbbells, exercise bands, exercise balls, isometric, and isotonic exercise.

As stated in Section 3, MPO Virginia Ranck and Ms. Nancy Burke-ATC are available to work with women during pregnancy and post-partum to assist with nutrition guidelines and exercise advice. Personalized fitness programs are available to all officers at anytime, but are especially important before pregnancy, during pregnancy, and after childbirth. They are well versed in designing personalized workout programs to assure officers maintain an optimal fitness level during and after pregnancy. Officers are also encouraged to participate in the Department's Wellness Program (Appendix 13) and utilize the Wellness Coordinator at their work location.

Officers are encouraged to utilize the wellness facilities at any Department facility. The Academy has a vast array of fitness options and officers are encouraged to bring their infant if childcare is an issue³. Fairfax County Recreation Centers are another alternative for off-duty wellness. Sworn officers and civilian employees of the Police Department are allowed to use these facilities at no cost, and many offer a variety of fitness classes, such as Pilates, yoga, low impact aerobics, as well as a range of fitness equipment and aquatic facilities⁴. The Police Department stands ready to work with all women returning to work after childbirth to identify a fitness program to meet their fitness and reconditioning needs. Participation in the Wellness Program is highly encouraged.

Section 5

Contact and Resource Listings

Major Sharon Smith
Commander, Administrative Support Bureau
703-246-7575
sharon.smith@fairfaxcounty.gov

MPO Virginia Ranck
Wellness Coordinator, Fairfax County Criminal Justice Academy
703-449-7245
Virginia.ranck@fairfaxcounty.gov

Ms. Nancy Burke-ATC
Athletic Trainer, Fairfax County Criminal Justice Academy
703-449-7241
Nancy.burke@fairfaxcounty.gov

³ Non-sworn family members are also allowed to utilize the Academy's fitness center. Children must be 16 years or older to use the equipment. Please check hours of availability.

⁴ Fairfax County Recreational Center passes are available for all Department employees. Financial Resources Division for addition information.

Dr. Donald F. Stewart
Occupational Health Center
703-246-4949
Donald.stewart@fairfaxcounty.gov

PFC Deborah Cruger
Crime Reporting Unit
703-246-2580
Deborah.cruger@fairfaxcounty.gov

Employee Relations Division
Fairfax County Government
703-324-3495

Equal Employment Opportunity Commission
<http://www.EEOC.gov/types/pregnancy.html>

Fairfax County Personnel Regulations
http://www.fairfaxcounty.gov/hr/regs_pdf/chap_pdf.htm

Fairfax Telework Program Manager
telecommuting@fairfaxcounty.gov

Fairfax County Employee's Child Care Center (ECC)
12011 Government Center Parkway
703-324-7370
www.fairfaxcounty.gov/childcare/eccc.htm

Fairfax County – Child Care Central
<http://www.fairfaxcounty.gov/ofc/>

Fairfax County Child Care Search
<http://www.fairfaxcounty.gov/childcare/search/searchchildcare.asp>

The Virginia Department of Social Services
<http://www.dss.virginia.gov/family/cc/index.html>

Books

Motherwell Maternity Fitness Plan
Berk
2005 Paperback
ISBN13: 9780736052931
Human Kinetics

Magazines

American Baby
Parenting Magazine
Pregnancy Magazine

Fit for Duty – 2nd edition
Hoffman, Collingwood
2005 Paperback
ISBN13: 9780736055436
Human Kinetics

Women's Health and Fitness Guide
Kettles, Cole, Wright
2006 Hardback
Human Kinetics
ISBN13: 9780736057692

Fit Pregnancy for Dummies
Cram and Drenth
July 2004 Paperback
Wiley, pocket edition (2007)
ISBN13: 9780470055670

Fit for Two: The Official YMCA Prenatal Exercise Guide
Hanlon and YMCA of America
May 1995 Paperback
Human Kinetics
ISBN13: 0873228286

Appendix 1

Pregnancy Discrimination Act (Title VII of the Civil Rights Act 1964)

Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to [Title VII of the Civil Rights Act of 1964](#). Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII, which covers employers with 15 or more employees, including state and local governments. Title VII also applies to employment agencies and to labor organizations, as well as to the federal government. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Title VII's pregnancy-related protections include:

Hiring

An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition or because of the prejudices of co-workers, clients or customers.

Pregnancy and Maternity Leave

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled due to pregnancy to do the same.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

Health Insurance

Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.

Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of the reasonable-and-customary-charge basis.

The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased or larger deductible can be imposed.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

Fringe Benefits

Pregnancy-related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions.

If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions.

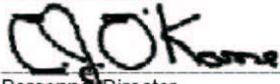
Employees with pregnancy-related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pregnancy, or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding or litigation under Title VII.

Appendix 2

County Personnel Regulation—Memorandum 9, Employment Policies
Relating to Pregnancy and Childbirth

APPENDIX 2

PERSONNEL/PAYROLL ADMINISTRATION POLICIES AND PROCEDURES		MEMORANDUM NO. 9 (Revised)
TO:	AGENCY HEADS	
FROM:	 Personnel Director	<u>6-17-91</u> Date
SUBJECT:	Employment Policies Relating to Pregnancy and Childbirth	
EFFECTIVE DATE:	Immediately	EXPIRATION DATE: Indefinite

1. PURPOSE

The purpose of this memorandum is to ensure understanding and compliance with the provisions of Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978, and the Fairfax County Personnel Regulations.

2. POLICIES AND PROCEDURES

- a. Pregnancy is a form of temporary disability. Therefore, impairment related to pregnancy, miscarriage, stillbirth, abortion and actual confinement must be treated as any other temporary disability.
- b. Applicants for employment shall not be excluded from certifications, eligible lists, registers, selection and appointment because of pregnancy. Any written or unwritten policy or practice, which excludes applicants or employees from appointments to a position because of pregnancy, is a prima facie violation of Title VII.
- c. During pregnancy an employee's ability to perform the normal duties and responsibilities associated with her position may be somewhat limited. No rule can be established covering all employees or conditions; however, supervisors and co-workers should be cognizant of situations of this nature. If, upon the advice of her physician, the pregnant employee requests a modification to her work duties and responsibilities, every reasonable effort should be made to accommodate her request.
- d. The following policies and procedures apply to granting of leave in accordance with the provisions of the Personnel Regulations:
 - 1 Sick leave shall be granted when it is mutually agreed by the employee's supervisor and the employee that the employee cannot perform her work because of pregnancy and/or the employee's physician states in writing that the employee is incapable of working. If the employee does not have sufficient sick leave to cover the absence, annual or compensatory leave or leave without pay may be used.

Appendix 3

County Personnel Regulations—Chapter 10

CHAPTER 10

Leave

10.1 Leave Defined

Leave is any authorized absence during regularly scheduled work hours that has been approved by proper authority. Leave may be authorized with or without pay. Absence without leave is considered unauthorized absence.

10.2 Leave Policy

All merit employees are encouraged to take annual leave for vacation purposes of two consecutive weeks each year. During the year careful consideration shall be given to the desire and needs of employees in the granting of shorter periods of annual leave. Department heads or designees shall grant leave in accordance with these rules on the basis of the work requirements in the department, and whenever possible, the personal wishes of the employee.

10.3 Maintenance of Leave Records

The Department head or his/her designee shall be responsible for the maintenance of accurate leave records. Such records shall be kept on a form prescribed by the Human Resources Director, who may periodically inspect them to insure that departments are adhering to the provisions of these rules.

10.4 Procedures for Requesting Leave

- 1 For all leave, with the exception of official holiday, sick and administrative emergency leave, a request indicating the kind of leave, duration and dates of departure and return must be approved prior to the taking of the leave. The request for leave should be submitted to the department head or designee the same number of days prior to beginning the leave as the number of days leave requested. In the case of sick leave, the leave form shall be completed and submitted for approval immediately upon the employee's return to duty.
- 2 Unless an absence is substantiated by a leave form approved by the department head or his/her designee, an employee shall not be paid for any absences from scheduled work hours.

10.5 Unauthorized Absence

- 1 An employee who is absent from duty without approval shall:
 - a. Receive no pay for the duration of the absence;
 - b. Be subject to disciplinary action, which may include dismissal.
- 2 It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given each case.
- 3 Failure of an employee to report for work at the expiration of an authorized leave or to request an extension of such leave shall be considered an absence without leave.

10.6 Types of Leave

The following types of leave, and no other, are officially established:

- 1 Annual leave (Section 10.7 - 10.12);
- 2 Sick leave (Section 10.13 - 10.21);
- 3 Extraordinary sick leave (Section 10.15);
- 4 Parental Leave (Section 10.23)
- 5 Leave for injury in line of duty (Section 10.24);
- 6 Bereavement leave (Section 10.25);
- 7 Compensatory leave (Section 10.26 - 10.28);
- 8 Military leave (Section 10.29);
- 9 Civil leave (Section 10.30);
- 10 Volunteer activity leave (Section 10.31);
- 11 Leave without pay (Section 10.32);
- 12 Education leave (Section 10.34);
- 13 Holiday leave (Section 10.35 - 10.36);
- 14 Administrative leave (Section 10.37);
- 15 Leave for inclement weather or other emergencies (Section 10.38).

10.7 Granting Annual Leave

Department heads or designees shall grant annual leave with pay to merit employees in accordance with the following provisions:

- 1 Annual leave shall normally be granted each calendar year unless a department head or designee specifically defers an employee's vacation because of work requirements.
- 2 Annual leave shall not exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs.

10.8 Crediting of Annual Leave

- 1 Annual leave shall be credited as indicated below to all full time merit employees except those designated as senior management in 4.15-4d. Merit employees scheduled to work other than 80 hours per pay period shall have leave credited on a pro-rated basis. Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting annual leave.
 - a. Less than three years service - four (4) hours per bi-weekly payroll period;
 - b. Three (3) years but less than fifteen (15) years - six (6) hours per bi-weekly payroll period;
 - c. Fifteen (15) and over years of service - eight (8) hours per bi-weekly payroll period;
 - d. Employees reemployed or reinstated within one calendar year of their separation in good standing should have their annual leave computed on the basis of total years service.
 - e. Leave computation dates shall be rounded to the nearest day. Excess hours shall be rounded to the next day.
- 2 For a pay period in which an employee, except, a senior manager is paid for less than full standard hours, including paid leave, leave shall be credited in the proportion that the number of hours worked has to the number of regular work hours in the pay period.
- 3 Employees with less than ten (10) years of service may accumulate annual leave up to 240 hours. Employees with ten (10) or more years of service may accumulate annual leave up to 320 hours.
- 4 Annual leave in excess of the limits imposed by this section existing at the end of each calendar year shall be converted to sick leave.

- 5 Employees shall not receive dual compensation from the County for annual leave.
- 6 Employees designated as senior managers shall receive 208 hours (26 days) of annual leave at the beginning of each leave year. Senior managers appointed after the start of a leave year shall receive annual leave credit on a prorated basis for that year.

10.9 Debiting Annual Leave

Annual leave shall be debited as follows:

- 1 The amount of annual leave to be debited shall be computed on the basis of the exact number of days or hours an employee is scheduled to work in the period when leave is taken.
- 2 Annual leave shall be debited in no less than one-tenth hour units.
- 3 Overdrawn annual leave shall be debited in the following order: compensatory leave, leave without pay.

10.10 Transfer of Annual and Sick Leave

Annual or sick leave may be transferred from one employee to another employee in the following situations:

- 1 Annual or sick leave may be transferred from one employee to another when the employee-in-need has exhausted his/her sick leave and is facing an absence without pay due to his/her extended illness or that of a family member with the following provisions:
 - a. Annual or sick leave may be transferred to any County employee eligible to receive sick leave.
 - b. Employees transferring sick leave may not transfer more than 80 hours in any calendar year.
 - c. The employee transferring annual or sick leave relinquishes all rights to that leave. Annual or sick leave transferred under this policy cannot be recovered at a later date.
 - d. An employee may not transfer leave to his/her immediate supervisor or reviewing authority for performance evaluations.
 - e. Unused transferred leave may be transferred to another leave recipient or returned to the donor.

- f. Transferred leave may be granted only to employees who have exhausted their sick leave balance and whose combined annual and compensatory leave balance does not exceed 80 hours (120 hours for 24-hour shift employees).
 - g. This policy does not preclude or in any way limit the right of an employee to apply for advanced or extraordinary sick leave under existing procedures.
 - h. Final approval of leave transfer requests rests with the department head or designee.
 - i. An employee who returns to work before using all received transferred leave may use the balance for subsequent treatment or recuperation from the ailment for which the leave was granted. This balance may be used for up to one year from the date transferred leave was approved.
- 2 Annual leave may be transferred from one employee to another when the employee-in-need is a member of the National Guard or an organized military reserve of the United States who has volunteered or been ordered to active duty pursuant to an order by the President of the United States or a competent State authority. The transfer of annual leave under this Section is subject to the following conditions:
- a. Annual leave may be transferred to any merit County employee who is a member of the National Guard or an organized military reserve of the United States.
 - b. The employee transferring annual leave relinquishes all rights to that leave. Annual leave transferred under this policy cannot be recovered at a later date. Once the leave has been used by the employee, it cannot be recovered.
 - c. An employee may not transfer leave to his/her immediate supervisor or reviewing authority for performance evaluations.
 - d. Transferred annual leave may only be used when the employee called to active military duty has reduced his/her accrued annual and compensatory leave to a combined balance no greater than 80 (120 hours for 24-hour shift employees) hours.
 - e. Final approval of leave transfer requests rests with the department head or designee.

10.11 Effect of Transfers on Annual Leave Credits

A merit employee who transfers from one department to another shall have his/her total annual leave credits transferred to the new department.

10.12 Effect of Separation on Annual Leave Credits

Upon separation, an employee shall be paid for the unused portion of his/her accrued annual leave, except as modified by the rules governing resignation without sufficient notice.

10.13 Sick Leave Policy

Sick leave shall be used when an employee is incapacitated by sickness or injury; for childbirth, placement of a child for adoption or foster care; for medical, dental, or optical diagnosis or treatment; for necessary care and attendance or death of a member of the employee's immediate family or household; exposure to a contagious disease when the attendance at duty jeopardizes the health of others. Sick leave for childbirth and adoption/foster care placement shall comply with the provisions in Section 10.22 of these Regulations.

10.14 Granting Ordinary Sick Leave

Department heads or designees shall grant sick leave with pay to merit employees in accordance with the following provisions:

- 1 Ordinary sick leave shall not exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs;
- 2 Leave without pay may be granted for sickness extending beyond the earned credit;
- 3 For merit employees' annual or compensatory leave credits may be used for sick leave.

10.15 Granting Advance Sick Leave

- 1 Advance sick leave, not to exceed 192 hours (288 hours for 24 hour shift employees), may be granted to merit employees qualified to earn ordinary sick leave in cases of serious disability or ailments of the employee, the spouse, minor or disabled child, parent or parent-in-law of an employee when it is to the advantage of the County to do so.
- 2 Advance sick leave may be granted to employees whose combined annual and compensatory leave balance does not exceed 80 hours.
- 3 Advance sick leave shall not normally be advanced to a merit employee qualified to earn ordinary sick leave during his/her first year of service with the County.

- 4 Advance sick leave shall not be approved retroactively to restore hours previously charged to the employee's annual or compensatory leave balance for an ailment or disability.
- 5 When a department head or designee believes that a request for advance sick leave is justified, a personnel action form shall be prepared with the following supporting documentation:
 - a. The circumstances and the need for such leave verified by a physician's statement;
 - b. The time and date when accrued sick leave will be exhausted;
 - c. The number of hours of advance sick leave requested and date to which such leave will extend;
 - d. Probable return to duty and prospect for continued employment;
 - e. Recommendation of the department head or designee;
 - f. Statement notifying employee of the repayment requirement if advance sick leave is approved.
- 6 The Human Resources Director shall consider the information provided and make a recommendation to the County Executive.
- 7 Advance sick leave shall be approved by the County Executive or his/her designee.
- 8 Advance sick leave shall be charged to future accruals of sick leave. An employee may not use regular sick leave until the approved advance sick leave is repaid.
- 9 An employee who returns to work before using all approved advance sick leave may use the balance for subsequent treatment or recuperation from the ailment for which the leave was granted. This balance may be used for up to one year from the date advance sick leave was first used.
- 10 An employee returning to work before using all approved advance sick leave may request an adjustment to his/her leave record to eliminate or reduce the remaining approved advance sick leave.
- 11 When an employee who receives advance sick leave leaves County service for any reason and the advance sick leave has not been repaid, the County will be financially reimbursed for the balance of sick leave remaining, except in the case of full disability or death.

10.16 Granting Extraordinary Sick Leave

- 1 When the above provisions do not adequately allow for the illness or injury of a merit employee qualified to earn sick leave, and when the department head or designee believes that it is to the advantage of the County to do so, he/she may request of the County Executive, through the Human Resources Director, that the employee be granted an extraordinary sick leave not to exceed 4 hours (6.0 hours for 24-hour shift employees) for each month of service.
- 2 Extraordinary sick leave shall be recorded on the employee's leave record but shall not be charged to future accrued leave of any kind.

10.17 Crediting Sick Leave

- 1 Sick leave shall be credited to all full time merit employees except those designated as senior managers in Section 4.15-4d at 4 hours per 80-hour pay period. Merit employees scheduled to work other than 80-hours per pay period shall have leave credited on a pro-rated basis.
- 2 Unused sick leave may be accumulated without limit.
- 3 Employees reemployed or reinstated within one calendar year of their separation in good standing shall have their unused sick leave reinstated.
- 4 Employees designated as senior managers shall receive 104 hours (13 days) of sick leave at the beginning of each leave year. Senior managers appointed after the start of a leave year shall receive sick leave credit on a prorated basis for that year.
- 5 Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting sick leave.

10.18 Debiting Sick Leave

Sick leave shall be debited as follows:

- 1 The amount of sick leave to be debited shall be computed on the basis of the exact number of days or hours an employee is scheduled to work in the period when leave is taken.
- 2 Sick leave shall be debited in no less than one-tenth hour units.
- 3 Overdrawn sick leave shall be debited in the following order: annual leave, compensatory leave, leave without pay.

10.19 Effect of Transfer on Sick Leave Credits

A merit employee who transfers from one department to another shall have his/her total

sick leave credits transferred to the new department.

10.20 Effect of Separation on Sick Leave Credits

1. Sick leave credits shall not be paid to an employee upon separation.
2. Upon application for retirement, an employee's sick leave credits can be applied towards membership service credit at the rate of one month of credit for each 172 hours of accrued unused sick leave, and prorated for any fraction of this amount.
3. Employees who are participants in the Deferred Retirement Option Plan may apply all sick leave credits towards membership service credit for retirement, or retain 40 hours as an initial sick leave balance, while the remaining sick leave credits are applied towards membership service credit for retirement.

10.21 Other Factors Relative to Sick Leave

- 1 Reporting of sickness. Employees who are absent from duty for reasons which entitle them to sick leave shall notify their respective supervisors within the time frame established by the Department unless physically unable to do so. Upon return to work the employee shall submit immediately to his/her supervisor an authorization for leave form.
- 2 Medical certificate. A department head or designee may require a medical statement for sick leave when it occurs before or after a holiday or other scheduled day off, or when it is in excess of two workdays. When an employee has a record of repetitious usage of short amounts of sick leave over an extended period a department head or designee may require a medical certificate for each day of sick leave taken. Employees shall be provided advance notice that a medical certificate will be required for future absences.
- 3 The department head or designee may require an employee returning from sick leave to take a medical examination, or, with the concurrence of the Human Resources Director, on such other occasions that he/she deems it in the best interest of the County. The medical examination shall be given by a medical doctor designated by the Human Resources Director or his designee.
- 4 Investigation of sickness. A department head or designee may investigate the alleged illness of an employee absent on sick leave.
- 5 False or fraudulent use of sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action against the offending employee. Such disciplinary action may include dismissal.
- 6 An employee on annual leave who presents a medical certificate giving the dates of illness may have that portion of his/her annual leave converted to sick leave.
- 7 Conversion of sick leave.

Conversion of sick leave to annual leave shall not be permitted.

-8 State worker's compensation insurance.

An employee, who is eligible to receive state worker's compensation payments beyond the year of injury leave, may elect to use accumulated sick leave and/or annual leave and/or sick leave bank. The use of such leave will be coordinated with worker's compensation payments so that the total amount received from both sources does not exceed the employee's full wage or salary until such sick and/or annual leave and/or sick leave bank is depleted or until the employee returns to work. Leave hours used will be calculated only on that portion of total compensation over the workers' compensation payment. While using sick and/or annual leave the employee will continue accruing sick and annual leave.

10.22 Family and Medical Leave

Family leave is defined as leave used for the birth or placement of a child for adoption or foster care. Medical leave is defined as leave used for the care of ill minor or disabled children, spouse, parents or parents-in-law, or because of a serious health condition that makes the employee unable to perform the functions of his or her position. Family and medical leave consist of any combination of sick leave, annual leave, compensatory leave and leave without pay. Sick leave used for the purpose of family or medical leave must conform to the requirements in Section 10.13. If parental leave (Section 10.22) is taken for the birth, adoption, or foster care placement of a child, the leave must be applied towards the employee's Family and Medical Leave entitlement if applicable.

- 1 Family and medical leave shall be granted to any merit employee for a period of up to twelve work weeks over a twelve-month period. The twelve-month period during which family leave may be taken for the birth of or placement of a child shall expire at the end of the twelve-month period beginning on the date of birth or placement. Work week is defined as the hours an employee is regularly scheduled to work in a seven (7) consecutive day period.
- 2 The twelve-month period for family and medical leave usage shall commence with the first use of family or medical leave.
- 3 Requests for leave beyond twelve work weeks are subject to regular leave policies with approval determined by the department head or designee.
- 4 Requests for family and medical leave must be made in writing and submitted 30 calendar days in advance whenever the necessity for such leave is foreseeable.
- 5 The mother may take six (6) weeks of sick leave immediately following the birth of her child. Use of additional sick leave requires medical certification. The father may take four (4) weeks of sick immediately following the birth of his child. Use of additional sick leave requires medical certification.

- 6 Mothers and/or fathers may take four (4) weeks of sick leave immediately following placement of a child for adoption or foster care. Use of additional sick leave requires medical certification.
- 7 Family leave may be taken on an intermittent or reduced schedule basis with the approval of the department head or designee. Medical leave may be taken on an intermittent or reduced schedule basis if certified as necessary by the health provider.
- 8 At the request of the department head or designee, the employee shall provide certification from a health care provider in connection with a request for medical leave. Additionally, an employee may be required to provide medical documentation concerning the continuing necessity for medical leave and in connection with any issue concerning his/her ability to return to work at the expiration of medical leave.
- 9 At the discretion of the department head or designee, an employee requesting family leave for the birth or adoption of a child may be required to use accrued annual or sick leave prior to use of leave without pay. Employees requesting family or medical leave for all other reasons may be required to use accrued sick, and/or annual leave prior to use of leave without pay.
- 10 During the leave period, the County will provide coverage under the health insurance plan which the employee had selected prior to going on leave at the level and under the conditions coverage would have been provided if the employee had not gone on leave.
- 11 If the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a serious health condition in him or herself, children, spouse, parents or parents-in-law or other circumstances beyond the control of the employee, the County may recover the employer's contribution to the health insurance premium paid during any period of unpaid leave.
- 12 No employee shall be prevented from returning to work prior to the expiration of the twelve week period.
- 13 Employees shall return to the position vacated or, with the approval of the Human Resources Director, to another position in the same class.
- 14 Employees who do not plan to return to work should notify their department no later than at the expiration of the leave. Failure to return to work without giving notice at the expiration of the leave without good cause may result in an unsatisfactory service separation.
- 15 This regulation shall be construed as to ensure compliance with the minimum requirements of the Family and Medical Leave Act of 1993.

10.23 Parental Leave

Paid leave granted for the birth, adoption, or foster care placement of a child. Merit employees are provided a maximum of 80 hours (120 hours for 24-hour shift employees) hours. Merit employees scheduled to work other than 80 hours per pay period shall have parental leave credited on a pro-rated basis.

Mothers, fathers or legal guardians are entitled to take up to 80 hours of paid parental leave (120 hours for 24-hour shift employees) during the first twelve months following the birth, adoption, or foster care placement of a child. In some instances when deemed medically necessary, parental leave may be taken prior to the birth.

The parental leave must be applied towards the employee's Family and Medical Leave (FML) entitlement to the extent that FML is available to the employee, (i.e., parental leave will run concurrently with FML in most cases.) If an employee has already exhausted FML for the qualifying period (first twelve months following the birth, adoption, or foster care placement of a child), the mother, father or legal guardian is still eligible to take the 80 hours of parental leave.

10.24 Leave for Injury in Line of Duty

- 1 A merit employee who is injured while performing the duties of his/her position, without fault or negligence on his/her part, and who is accepted as compensable under the Virginia Worker's Compensation Act, shall be granted injury leave with pay, as approved by the County Executive or his/her designee. Such eligibility for injury leave with pay begins on the first day of injury and shall expire not later than twelve calendar months from the original injury date. Re-injuries do not extend the period of eligibility for injury leave. Such leave requires a medical certificate from an approved licensed physician authorized by the County to treat worker's compensation claims. This certificate must set forth the nature and extent of the injury and the probable period of disability.
- 2 Extensions of injury leave beyond twelve calendar months may be granted by the department head or designee. In no case shall the employee be granted injury leave in excess of 2080 (2912 for 24-hour shift employees) total hours. In evaluating such requests, the following elements shall be considered:
 - a. The circumstances in which the injury occurred to include consideration of the nature and extent of the injury;
 - b. The nature and extent of treatment providing that the employee has continued under the regular care of the authorized physician requiring an office visit at minimum intervals of at least once every three months; and providing that the medical records clearly substantiate a relationship between the current prescribed treatment and the original injury;
 - c. The likelihood of the employee's return to duty;

- d. The employee's past injury leave and service record;
 - e. The employee's compliance with injury leave policies and requirements.
- 3 When possible, employees who have been injured but are not totally disabled will be placed in temporary assignments without loss of pay with duties that fall within the medical restrictions prescribed by the treating physician.
 - 4 When injury leave is used other leave benefits shall not accrue.
 - 5 An employee on injury leave is expected to follow medical procedures and complete necessary forms/reports so as to insure that worker's compensation payment will be credited to the appropriate account.
 - 6 An employee on injury leave is specifically prohibited from engaging in activities that may impair his/her recovery. This includes:
 - a. Engaging in strenuous recreational or other physical activities without the approval of the authorized physician.
 - b. Being employed or self-employed to perform work of any kind without the prior written approval of the authorized physician and the Human Resources Director.
 - 7 An employee on injury leave is not required to remain at home, but is required to be available for contact by his/her supervisor and to notify the supervisor of any change of residence during authorized absence.
 - 8 Failure of an employee on injury leave to follow prescribed procedures or to accept appropriate medical treatment, vocational rehabilitation, or medically appropriate temporary assignments, may result in disallow of full salary continuation and reversion to straight worker's compensation wages, if eligible, for the time period of noncompliance, with the employee being liable for repayment of the monetary differential.

10.25 Bereavement Leave

Bereavement leave may be used when a death occurs in an employee's immediate family or household. Department heads or designees shall grant bereavement leave with pay to merit employees in accordance with the following provisions:

- 1 Full time merit employees shall be eligible to use up to 16 hours of bereavement leave per calendar year. Merit employees scheduled to work less than 80 hours per pay period shall be eligible for bereavement leave on a pro-rated basis.
- 2 Bereavement leave may not be carried over from one calendar year to the next.
- 3 The amount of bereavement leave to be debited shall be computed on the basis of

the exact number of hours an employee is scheduled to work in the period when the leave is taken.

- 4 Bereavement leave shall be debited in no less than one-tenth hour units.
- 5 Sick leave may be granted for absences extending beyond bereavement leave eligibility in accordance with the sick leave provisions herein.

10.26 Compensatory Leave

- 1 Compensatory leave shall be credited to an employee as provided for in the rules governing overtime. Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting compensatory leave.
- 2 Compensatory time for overtime worked shall be granted at the discretion of the employee at a time convenient to and approved by the department head or designee.
- 3 Overdrawn compensatory leave shall be debited in the following order: annual leave, leave without pay.

10.27 Effect of Transfers on Compensatory Leave

An employee who transfers from one department to another shall, if possible, use his/her compensatory leave prior to the effective date of the transfer. If this is not possible, the total number of compensatory leave shall be recorded on the personnel action form and shall be transferred to the new department.

10.28 Effect of Separation on Compensatory Leave

An employee who is separated from service may only be paid for any accrued overtime for which he/she has not been granted compensatory leave in accordance with the provisions of section 4.15-4.

10.29 Military Leave

- 1 A merit employee who is a member of the National Guard or an organized military reserve of the United States, or is a former member of the Armed Services and has been reactivated by a competent authority shall be allowed military leave under the following circumstances:
 - a. Leaves of absence with pay not to exceed fifteen workdays during any one federal fiscal year (October 1 - September 30) to attend federally funded military duty, including duty for training. For the purposes of this section, one 24-hour shift workday shall equate to two military leave workdays.

The employee shall report to work in accordance with the following schedule:

1. If the period of service is less than 31 days, the employee must report back to work not later than the beginning of the next regularly scheduled workday after the military duty, including travel time and an 8-hour rest period, is completed.
 2. If the period of service is more than 30 days but less than 181 days, the employee must report back to work not later than 14 calendar days after completing service.
 3. If the period of service is more than 180 days, the employee must report back to work not later than 90 days after completing service.
 4. If the employee is hospitalized or convalescing from an injury or illness incurred during the period of service, then the time for the employee to report back to work will be extended.
- b. Leaves of absence without pay for training not covered above. The employee shall report to work the next regularly scheduled workday after the training period, including travel time and an 8-hour rest period, is completed.
- 2 A merit employee who is a member of the Virginia National Guard and who is called to emergency duty by the Governor to combat floods, riots, winter storms, hurricanes or other disasters shall be allowed military leave with pay for each day of such service. A merit employee who is a member of any National Guard organization other than the State of Virginia and who is called to emergency duty by the competent authority of that state may elect to be placed on military leave without pay for each day of such service.
- 3 The employee shall notify his/her supervisor as far in advance as possible when taking military leave. The employee's notice may be either verbal or written. A copy of military orders may be requested, but cannot be required. Failure to notify the County in advance shall not deprive the employee of rights and benefits.
- 4 An employee who leaves the County service in order to join the military forces of the United States or who is inducted into such service has resigned and is not considered to be on military leave. (See Section 9.2-5).
- 5 In the event of any conflict between County regulations and federal or state law, the latter shall take precedence.

10.30 Civil Leave

A merit employee shall be given time off without loss of pay when performing jury duty, when subpoenaed or requested to appear before a court, public body or commission except when the employee is a party to the suit, when performing emergency civilian

duty in connection with national defense, or for the purpose of voting. Leave for the purpose of voting shall only be granted when the employee's work schedule prohibits voting before or after duty hours or through absentee balloting.

10.31 Volunteer Activity Leave

Volunteer activity leave may be used to participate in volunteer activities and initiatives to support the neighborhoods in which employees live and work to include educational and charitable institutions, religious/faith-based and community service entities. Department heads or designees shall grant volunteer activity leave with pay to merit employees in accordance with the following provisions:

- 1 Full time merit employees shall be eligible to use up to 16 hours of volunteer activity leave per calendar year. Merit employees scheduled to work less than 80 hours per pay period shall be eligible for voluntary activity leave on a pro-rated basis.
- 2 Voluntary activity leave may not be carried over from one calendar year to the next.
- 3 The amount of voluntary activity leave to be debited shall be computed on the basis of the exact number of hours an employee is scheduled to work in the period when the leave is taken.
- 4 Voluntary activity leave shall be debited in no less than one-tenth hour units.

10.32 Leave Without Pay

A department head or designee may grant a merit employee a leave without pay for a period not to exceed one year, subject to the following conditions:

- 1 Leave without pay shall be granted only when it is in the interests of the County to do so. The interests of the employee shall be considered when he/she has shown by his/her record to be of more than average value to the County and when it is desirable to return the employee even at some sacrifice.
- 2 At the expiration of a leave without pay, the employee shall be reinstated in the position he/she vacated or in any other vacant position in the same class.
- 3 The employee does not earn leave while on leave without pay.
- 4 Failure on the part of the employee to report promptly at the expiration of a leave without pay may be cause for dismissal.

10.33 Unauthorized Absence

- 1 An employee who is absent from duty without approval shall:
 - a. Receive no pay for the duration of the absence;
 - b. Be subject to disciplinary action, which may include dismissal.
- 2 It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given each case.
- 3 Failure of an employee to report for work at the expiration of an authorized leave or to request an extension of such leave shall be considered an absence without leave.

10.34 Education Leave

A merit employee engaged in professional or technical work may be granted a leave of absence with full or partial pay for enrollment in a special institute or course of study of direct benefit to the County service, at the discretion of the department head or designee.

Such leave may be granted on the assumption that the employee will remain with the County service for a reasonable period to be recommended by the department head or designee, upon completion of the institute or course of study.

10.35 Holiday Leave

- 1 The following holidays are observed by the County and shall be granted to merit employees with pay, unless such employees are required to be on scheduled duty.
 - a. New Year's Day (January 1);
 - b. Martin Luther King, Jr.'s Birthday (Third Monday in January);
 - c. Washington's Birthday (Third Monday in February);
 - d. Memorial Day (Last Monday in May);
 - e. Independence Day (July 4);
 - f. Labor Day (First Monday in September);
 - g. Columbus Day (Second Monday in October);
 - h. Veteran's Day;
 - j. Thanksgiving Day (Fourth Thursday in November);

- k. Fall Holiday (Friday after Thanksgiving);
- l. Christmas Eve (One-half day on December 24);
- m. Christmas Day (December 25);
- n. Inauguration Day (January 20, every fourth year) when it falls on a business day, Monday through Friday.

-2 The County Executive may also set aside other days as holidays.

10.36 Granting Holiday Leave

The granting of holidays observed by the County shall be subject to the following provisions:

-1 Holidays on a weekend.

When a holiday falls on Saturday, it shall be observed on the preceding Friday.

When a holiday falls on Sunday, the following Monday shall be observed as the holiday.

-2 Holiday on scheduled workday

a. Holiday on scheduled workday; employee works. Employees who are required to work on a holiday (actual or County observed) shall be compensated for the time worked in accordance with the rules governing hours and overtime. Holiday compensation will be provided on an hour for hour basis for an employee's regular scheduled hours not to include overtime hours. If an employee who would not normally work the holiday, is scheduled to work to meet staffing or other operational needs, the employee is entitled to receive holiday compensation for hours worked not to exceed the number of his/her regularly scheduled hours.

b. Holiday on scheduled workday; employee does not work. Employees who are required to work on a holiday (actual or County observed) but do not work, shall be compensated as follows. Holiday compensation will be provided on an hour for hour basis up to the number of regularly scheduled hours for that day.

-3 Holiday on scheduled day off. Within the policy established in the section on holiday leave, whenever one of the designated holidays falls on an employee's scheduled day off, the employee shall be granted either holiday pay or holiday compensatory time in accordance with the rules governing hours and overtime. To receive holiday compensation on an actual holiday, an employee must be directed by his/her supervisor to work due to staff shortage or other operational necessity.

- 4 Holidays for merit part-time employees. Part-time merit employees shall be granted holiday time off with pay on a pro-rated basis regardless of the number of hours scheduled on the day a holiday falls computed at the rate of one-tenth of an hour times the employees bi-weekly scheduled hours.
- 5 Holidays during paid leave. A holiday falling within a period of paid leave shall not be counted as a workday in computing the amount of leave debited.
- 6 Holiday during unpaid leave. When a holiday falls within a period of leave without pay or immediately preceding or following such leave, the employee shall receive no pay for the holiday. To be eligible for holiday compensation the employee must be in pay status for a full workday on one side of the holiday and a minimum of one-half workday on the other side.
- 7 Appointment on a holiday. The appointment of a merit employee shall not be effected on a holiday except when the employee works that day.

10.37 Administrative Leave

- 1 Administrative leave shall be any paid leave authorized by the County Executive, which is not otherwise classified by these Regulations.
- 2 Administrative leave will normally¹ be granted to any full-time or part-time employee by an appointing authority or the County Executive for any of the following reasons:
 - a. Where an employee is required to appear before a public body, public agency, board or commission during normal working hours on matters relating to County business.
 - b. For the attendance in an official capacity during normal working hours as a representative of the County at meetings, symposiums, conferences, conventions or hearings.
 - c. During the investigation of an alleged improper act by an employee which may result in formal disciplinary actions and/or when the retention of the employee on an active duty status may be detrimental to the interests of the County or injurious to the employee, his/her fellow workers or the general public. Administrative Leave for this purpose will not exceed ten business days without prior approval of the County Executive. A memorandum to the Human Resources Director will be submitted by the department head or designee giving details of the Administrative Leave for all situations covered by this paragraph. In lieu of the use of Administrative Leave for situations of this type, a department head or designee may temporarily assign the employee to other duties.

¹ Exceptions to be justified and made a matter of record.

- d. For participation in the blood donor program for which purpose up to four hours may be granted, at the discretion of department head or designee, for each recuperative purpose.
 - e. For the purpose of undergoing a medical examination as may be required by the employee's department head or designee.
 - f. To recognize long term service to general county employees who earn length of service awards of 20, 25, 30, 35, 40 and 45 years or more shall be eligible for one day's of leave (12 hours for 24 hour shift firefighters) in the year after they have qualified for the length of service award.
 - g. To recognize outstanding performance such as Outstanding Performance Awards or Team Excellence Awards. The number of hours received for Outstanding Performance Awards or Team Excellence Awards shall be equal to one day of leave (12 hours for 24 hour shift firefighters).
 - h. For officers of the Employees Advisory Council and employee organizations, which participate in payroll dues deduction to attend conventions and training related to employee relations. Administrative Leave for this purpose shall not exceed 30 workdays (240-hours) per year per employee organization. In the accrual of hours toward the 240-hour limit, one 24-hour shift shall equate to 16 hours of administrative leave. Employees must submit such leave requests as far in advance as possible and provide written verification upon return to duty of attendance at the convention or employee relations training.
- 3 In addition to the provisions of paragraph -2 above, Administrative Leave may be granted to any full-time or part-time employee by the County Executive or his/her designee for any of the following reasons:
- a. Breakdown of essential facility services such as heating, air conditioning, or water or other problems wherein facilities must be closed and employees released early from work or not required to report to work.
 - b. Breakdowns of equipment making it impossible to accomplish assigned tasks.

10.38 Leave for Inclement Weather or Other Emergency

- 1 When extreme inclement weather or other emergencies occur, the County Executive or his/her designee shall have the option to declare one of the following types of leave:
- a. Unscheduled Leave - may be declared by the County Executive or his/her designee when it is deemed advisable to provide employees flexibility regarding reporting to work due to inclement weather or other emergency.

Unscheduled leave authorizes all employees, except those designated as emergency service personnel, to use their own leave to remain home from work or to leave work early without obtaining prior approval from their supervisor. Employees, however, must notify their supervisors if they opt to stay home on unscheduled leave. Employees may only use annual leave, compensatory leave, or leave without pay for this purpose. Such leave is authorized only for the period of time designated by the County Executive or his/her designee.

- b. Emergency Administrative Leave - may be declared by the County Executive or his/her designee when it is determined necessary to close the general County government due to extreme inclement weather or other emergency. Emergency administrative leave authorizes all merit County employees, except those designated as emergency service personnel, to remain home from work or to leave work early without prior approval of the supervisor and without the use of personal leave or leave without pay. Such leave shall be limited to the time periods designated by the County Executive or his/her designee. Employees required to work during a period of such emergency administrative leave shall receive extra compensation in accordance with provisions contained in Chapter 4.

- 2 When leave for inclement weather or other emergency is declared, emergency service personnel must report to work. Emergency service personnel are those employees, designated by the department head or designee, who due to the nature of the emergency which has occurred, must report to work to ensure that public health and safety needs or critical departmental requirements are met.

10.39 Sick Leave Bank

As identified below, various competitive service employees shall be eligible to participate in a sick leave bank when incapacitated by long-term sickness or injury. Two separate sick leave banks are authorized for (1) non-supervisory trade, manual and custodial service, provided that at least 270 of these employees agree to participate, (2) personnel in the ranks of Fire Fighter through Deputy Fire Chief, provided at least 300 of these employees agree to participate. Such sick leave banks shall be administered in accordance with the terms stated below:

- 1 Membership in the sick leave bank is voluntary on the part of the employee.
- 2 An employee may enroll within the first 30 calendar days of employment. An employee who does not enroll when first eligible may do so between any subsequent September 1 to October 1 period by making application and providing satisfactory evidence of good health to the Human Resources Department. Employees may enroll in the bank by donating 8 hours (12 hours for 24 hour shift firefighters) of sick leave earned during the then current fiscal year.
- 3 A member of the bank will not be able to utilize sick leave bank benefits until

his/her own sick leave is exhausted.

- 4 The first 30 consecutive calendar days of illness or disability will not be covered by the bank, but must be covered by the employee's own accumulated sick leave, annual, compensatory or leave without pay, if the employee's sick leave is exhausted.
- 5 A maximum of 45 work days (22.5 days for 24 hour shift firefighters) each fiscal year can be drawn by any one member of the bank. If the fiscal year ends while an employee is using sick leave bank days, he/she may continue using the bank until reaching the maximum without re-qualifying as required in 10.39-4
- 6 Participating members must return to work and must meet the requirements of item -4 before becoming eligible to utilize sick leave bank benefits again.
- 7 Members of sick leave bank shall not earn personal leave (sick and annual) for the time charged against the bank.
- 8 Members of the bank will be assessed 8 hours (12 hours for 24-hour shift firefighters) sick leave at such time as the respective bank is so depleted as to warrant same unless they choose not to participate further in the bank. Members who have insufficient sick leave at the time of the assessment will show a negative sick leave balance in the amount of the assessment. Future leave accruals will eliminate the negative balance.
- 9 Members utilizing sick leave days from the bank will not have to replace these days except as a regular contributing member to the bank.
- 10 Upon termination of employment or withdrawal of membership from the bank, a participating employee will not be permitted to withdraw his/her contributed days.

Appendix 4

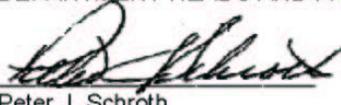
County Personnel Regulation—Memorandum 43

Form 1: Family and Medical Leave Act (Employer Response Form)

Form 2: Certification of Health Care Provider

Parental Leave

Appendix 4

PERSONNEL/PAYROLL ADMINISTRATION POLICIES AND PROCEDURES	MEMORANDUM NO. 43 Revised
TO: DEPARTMENT HEADS AND PAYROLL CONTACTS	
FROM:  Peter J. Schroth Human Resources Director	<u>September 28, 2006</u> Date
SUBJECT: Family and Medical Leave	
EFFECTIVE DATE: Immediate	EXPIRATION DATE: Indefinite

1. **PURPOSE:**

The purpose of this memorandum is to provide procedures for administration of the County's family and medical leave policy. This procedural memorandum will be construed as to ensure compliance with the minimum requirements of the Family and Medical Leave Act of 1993.
2. **POLICY:**

Family and medical leave provides employees with leave in connection with the birth or placement of a child for adoption or foster care, to care for a sick or disabled family member or for an employee's serious health condition. An employee who follows the procedures outlined herein is entitled to 12 weeks of family or medical leave within a 12 month period.
3. **DEFINITIONS:**
 - A. *Family leave* will mean leave used in connection with the birth or placement of a child for adoption or foster care.
 - B. *Medical leave* will mean leave used for the care of ill or disabled children, spouse, parents or parents-in-law, or for recuperation from a serious health condition that renders the employee unable to perform the functions of the position.
 - C. *Child* will mean a biological, adopted or foster children, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is less than 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability.
 - D. *Spouse* will mean a husband or wife of an employee as defined or recognized under Virginia law for purposes of marriage.

- E. *Parent* will mean a biological parent of an employee or an individual who stands or stood in loco parentis to an employee when the employee was a child.
- F. *Parents-in-law* will mean a biological parent of an employee's spouse.
- G. *In loco parentis* will mean those persons with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- H. *Serious health condition* will mean one which requires either inpatient care, or a continuing regimen of treatment by a health care provider.
- I. *Continuing regimen of treatment* will mean treatment which usually includes:
- two or more visits to a health care provider;
 - two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider;
 - a single visit to a health care provider that results in a regimen of continuing treatment under the supervision of a health care provider (for example, a course of medication or therapy to resolve the health condition or pregnancy or prenatal care).
- J. *Incapable of self-care* will mean that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADL). ADL include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.
- K. *Physical or mental disability* will mean a physical or mental impairment that substantially limits one or more of the major life activities of an individual (as defined in 29 C.F.R., Part 1630).
- L. *A health care provider* will mean a doctor of medicine or osteopathy, podiatrist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife, clinical social worker, or Christian Science practitioner.

4. **PROCEDURES:**

- A. Employee Request for Leave/Notification of Non-Return
1. Whenever the need for family and/or medical leave is foreseeable, the employee will notify his or her supervisor as soon as possible and practicable. Ordinarily, the request should be in writing and at least 30 days in advance of when the leave is to begin.

2. If the need for family and/or medical leave is not foreseeable, the employee will notify his or her supervisor as soon as possible and practicable. The employee will provide a written medical statement when requesting medical leave, if requested by the supervisor.

3. Agencies are responsible for notifying employees in writing that family and/or medical leave is being designated as soon as the department learns that the reason for leave meets the criteria established under this procedure. Once the department learns that the absence meets the criteria for FMLA, a supervisor may designate an absence as FMLA leave even if the employee does not want to so designate the absence.

Failure to notify an employee within two business days that FMLA has been designated means that such designation may not be made retroactively unless (a) the department is awaiting final medical certification; or, (b) the department did not know the reason for leave at the time it was taken. Form to be used for FMLA notification is included in the appendix.

4. Employees who do not plan to return to work at the expiration of family and/or medical leave should notify their supervisor no later than the expiration of the leave. Failure to return to work without giving adequate notice at the expiration of the leave may result in the conversion of the resignation to an unsatisfactory service separation under Section 9.5 of the Personnel Regulations.

5. Either the department or the employee may choose to have the FMLA - leave entitlement run concurrent with a workers' compensation absence.

6. An employee cannot be forced to perform a "light duty" job under workers' compensation, if either the employee or department designates the absence as falling under his/her FMLA leave entitlement, even if the employee is able to perform the light duty.

B. Leave Entitlement/Usage

1. If requested, family and medical leave must be granted to any merit employee (or exempt employee designated eligible for family and medical leave in Procedural Memorandum No. 134 - Exempt Service) for a period of up to twelve weeks during a twelve month period. The twelve-month period for family and medical leave will commence with the first use of family or medical leave.

2. For part time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro-rata or proportional basis. (Example: An employee who is scheduled to work 20 hrs per week is entitled to 240 hrs.)

3. Nothing in this procedure will prohibit the employee from requesting and the supervisor approving leave in excess of 12 weeks. Such leave usage may be granted in accordance with existing leave regulations contained in Chapter 10 of the Personnel Regulations. Additional leave beyond the 12 weeks will not count as Family and Medical Leave for continuation of benefits purposes.
4. Family and medical leave may include any combination of sick, or annual, or leave without pay at the discretion of the appointing authority subject to the parameters noted in 5 and 6 below. Use of compensatory leave is addressed in Section 6 below.
5. Sick leave usage is governed by the existing regulations contained in Chapter 10 of the Personnel Regulations. Specifically, women who take family leave following the birth of a child may take six (6) weeks of sick leave immediately following the birth of her child. Use of additional sick leave requires medical certification. The father may take four (4) weeks of sick leave immediately following the birth of his child. Use of additional sick leave requires medical certification.

Mothers and/or fathers may take four (4) weeks of sick leave immediately following placement of a child for adoption or foster care. Use of additional sick leave requires medical certification.
6. Employees requesting family and/or medical leave may be required to use accrued annual or sick leave, as appropriate, prior to the use of leave without pay.

Employees who are not exempt from FLSA:

- may not be required to use accrued compensatory leave, but may do so at their option.
- may not have use of accrued compensatory leave counted against the 12-week FMLA entitlement.

Employees who are exempt from FLSA:

- may not be required to use accrued compensatory leave prior to the use of leave without pay;
- however, if the exempt employee requests the use of accrued compensatory leave in lieu of other paid leave or leave without pay for FMLA purposes, the compensatory leave will count toward the 12-week FMLA entitlement.

A "**Serious Health Condition**" means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity² or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity² of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity² relating to the same condition), that also involves:

- (1) **Treatment³ two or more times** by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a health care provider; or
- (2) **Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment⁴** under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to **pregnancy**, or for **prenatal care**.

4. Chronic Conditions Requiring Treatments

A **chronic condition** which:

- (1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and
- (3) May cause **episodic** rather than a continuing period of incapacity² (*e.g.*, asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of **Incapacity²** which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for **restorative surgery** after an accident or other injury, or for a condition that **would likely result in a period of incapacity² of more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

This optional form may be used by employees to satisfy a mandatory requirement to furnish a medical certification (when requested) from a health care provider, including second or third opinions and recertification (29 CFR 825.306).

Note: Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

³ Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

⁴ A regimen of continuing treatment includes, for example, a course of prescription medication (*e.g.*, an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

Public Burden Statement

We estimate that it will take an average of 20 minutes to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND THE COMPLETED FORM TO THIS OFFICE; IT GOES TO THE EMPLOYEE.

7. Nothing in the policy will prohibit an employee from requesting additional leave for which he or she may be entitled, including advance sick leave, extraordinary sick leave, transferred leave, or sick leave bank.

C. Family Leave

1. Family leave used in connection with the birth or the placement of a child for adoption or foster care must be completed within twelve months of the date of the birth or placement of the child.
2. Family leave may be taken intermittently or on a reduced schedule, only with supervisor's approval.
3. Employees may request family leave as needed under this procedure but are guaranteed family leave only so long as the cumulative total of family and medical leave absences do not exceed twelve weeks during a twelve-month period.

D. Medical Leave

1. As a general rule, where inpatient care is not involved, absences of more than three calendar days (and requiring the continuing treatment of a health care provider) for the employee's serious health condition or for the care of a sick family member will be considered eligible for medical leave.
2. Prenatal care is explicitly included; routine physical exams are explicitly excluded.
3. Employees may request medical leave as needed under this procedure but are guaranteed medical leave only so long as the cumulative total of family and medical leave absences does not exceed twelve weeks during a twelve month period.
4. Nothing in this policy limits the rights of employees to request sick leave in order to provide necessary care and attendance to a sick family member under existing sick leave policies.
5. An employee may be required to provide medical certification from a health care provider indicating the need for medical leave, the continuation of medical leave, and/or the ability of the employee to return to work.
 - a. Medical certifications must state, in the case of the employee's serious health condition, that he or she is unable to perform the functions of the position. Certification form in the appendix should be used to obtain initial certification.
 - b. Once the certification has been completed, contact with the employee's health care provider is limited to clarification and

verification of information contained in the medical certification. No additional information can be requested.

- c. Where the employee is requesting medical leave to care for a seriously ill family member, the health care provider must either certify that the third-party care is required or that the employee's presence would be beneficial to the patient. Such certification, in conjunction with an employee's statement of the care he or she will provide, will be sufficient to satisfy this requirement.
 - d. If intermittent leave or leave on a reduced schedule is required, the medical certification must describe the treatment regimen provided, i.e., doctors' visits, therapy, etc.
 - e. Documents related to medical certifications under FMLA must be kept in separate files and treated as confidential. All FMLA medical certification forms and documents should be forwarded to the Employee Relations Division of the Department of Human Resources where a separate FMLA file will be maintained.
6. Medical leave will be granted on an intermittent basis or on a reduced work schedule if certified as necessary by the health care provider.

E. Continuation of Benefits

1. During the leave period, the County will continue coverage under the health insurance plan in which the employee is participating prior to going on leave, at the level and under the conditions coverage would have been provided, if the employee had not gone on leave. If an employee uses leave without pay during the 12 week family and medical leave entitlement, the County will continue to contribute the County share of the employee's health insurance premium.
2. Employees on family or medical leave whose health insurance coverage level changes, i.e., individual to two party, are responsible for filing the appropriate health insurance forms within the specified time period. Employees whose coverage level increases are responsible for the increased employee contribution.
3. Employees on family or medical leave are responsible for the payment of the employees' contribution for health insurance.
 - a. If the employee is in a paid leave status, the employee's share will continue to be paid through a payroll deduction.
 - b. Employees on family or medical leave who are in a leave without pay status will be billed each month for their health, life, dental, hospital confinement, and long term disability premiums under existing rules for payment by employees on leave without pay.

c. Payment must be made by personal check or money order. Special arrangements for premium payments can be made by contacting the Employee Benefits Division.

4. Health insurance coverage will be canceled after a required payment is more than 30 days late.
5. If health insurance coverage lapses due to nonpayment of the required premium or employees' cancellation of coverage, the employee may request restoration of health insurance upon return from leave. Health insurance coverage will be restored effective the date the employee returns from family or medical leave. A written request to restore health insurance must be received by the Department of Human Resources within 60 days of returning to work.
6. Any contributions to health insurance made by the County during family and medical leave, while the employee was in a leave without pay status, may be recovered from the employee should he or she not return to work at the expiration of the family or medical leave. Such repayment is not required if the employee's failure to return is due to his or her serious health condition or the care of an ill family member or other circumstances beyond the control of the employee.
7. Employees who terminate employment while on family or medical leave will be eligible for COBRA (continuation of health insurance coverage) if they meet COBRA eligibility requirements. The effective date for COBRA coverage will be based on the date of termination.

F. Return to Former Position

1. An employee on family or medical leave must be returned to his or her former position.
2. Any exception to this provision requires the approval of the Personnel Director prior to the employee's return to work. Agencies requesting permission to return an employee to a different but equivalent position must provide the Personnel Director with detailed justification of the reason the employee cannot be returned to his or her former position.

G. Record Keeping/Time and Attendance

1. Agencies are responsible for maintaining records of family and medical leave, for tracking the amount of family and medical leave used within the twelve-month period, and for notifying the employee in writing that family or medical leave is being designated.
2. In addition to the type of leave requested (annual, sick, compensatory, or leave without pay), the leave request form should include a notation that the absence is for family and/or medical leave (for record keeping purposes only).

3. Time sheets should be coded with the routine codes for sick leave, annual leave, or compensatory leave. Leave without pay for family or medical leave should be coded as subobject code 164 (464 for 24 hour firefighters) to ensure that health insurance benefits are not interrupted.
4. When leave is taken intermittently or on a reduced schedule, only the time actually taken as family and medical leave may be charged against the employee's entitlement.

Form 1 - Notification to be used when employee on FMLA

Form 2 - FMLA Medical Certification Form

Family Medical and Leave Act

Employer Response to Employee Request for Family or Medical Leave

Date:

To: _____ (Employee's Name/ E I N)

From: _____ (Name of Appropriate Employer Representative)

Subject: FAMILY/MEDICAL LEAVE

On _____, you notified us of your need to take family/medical leave due to: or (Date)

On _____, I became aware that your recent absence is covered under the FMLA in that your absence is due to: (Date)

- checkbox The birth of a child, or the placement of a child with you for adoption or foster care; or
checkbox A serious health condition that makes you unable to perform the essential functions for your job; or
checkbox A serious health condition affecting your spouse, child, parent, for which you are needed to Provide care

You notified us that you need this leave beginning on _____ and that you expect (Date)

Leave to continue until on or about _____ (Date)

Except as explained below, you have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave.

This is to inform you that: (check appropriate boxes; explain where indicated)

- 1. You are eligible not eligible for leave under the FMLA.
2. The requested leave will will not be counted against your annual FMLA leave entitlement.
3. You will will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by (insert date) (must be at least 15 days after you are notified of this requirement), or we may delay the commencement of your leave until the certification is submitted.
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We will will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used, the following conditions will apply: (Explain)

5. (a) If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you, and it is agreed that you will make the premium payments as follows: (Set forth dates, e.g., the 10th of each month, or pay periods, etc. that specifically cover the agreement with the employee.)

(b) You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We will will not pay your share of health insurance premiums while you are on leave.

(c) We will will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If we do pay your premiums for other benefits, when you return from leave you will will not be expected to reimburse us for the payments made on your behalf.

6. You will will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until certification is provided.

7. (a) You are are not a "key employee" as described in § 825.217 of the FMLA regulations. If you are a "key employee," Restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic harm to us. (Explain (a) and/or (b) below. See § 825.218.

(b) We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (Explain (a) and/or (b) below. See § 825.279 of the FMLA regulations).

8. While on leave, you will will not be required to furnish us with periodic reports every _____ (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work (see § 825.309 of the FMLA regulations). If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you will will not be required to notify us at least two work days prior to the date you intend to report to work.

9. You will will not be required to furnish recertification relating to a serious health condition. (Explain below, if necessary, including the interval between certifications as prescribed in § 825.308 of the FMLA regulations).

This optional use form may be used to satisfy mandatory employer requirements to provide employees taking FMLA leave with Written notice detailing specific expectations and obligations of the employee and explaining and consequences of a failure to meet these obligations. (29 CFR § 825.301(b).)

Certification of Health Care Provider
(Family and Medical Leave Act of 1993)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division



(When completed, this form goes to the employee, **Not to the Department of Labor.**)

OMB No.: 1215-0181
Expires: 07/31/07

1. Employee's Name

2. Patient's Name (If different from employee)

3. Page 4 describes what is meant by a "serious health condition" under the Family and Medical Leave Act. Does the patient's condition¹ qualify under any of the categories described? If so, please check the applicable category.

(1) _____ (2) _____ (3) _____ (4) _____ (5) _____ (6) _____, or None of the above _____

4. Describe the **medical facts** which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5. a. State the approximate **date** the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present **incapacity**² if different):

b. Will it be necessary for the employee to take work only **intermittently** or to **work on a less than full schedule** as a result of the condition (including for treatment described in Item 6 below)?

If yes, give the probable duration:

c. If the condition is a **chronic condition** (condition #4) or **pregnancy**, state whether the patient is presently incapacitated² and the likely duration and frequency of **episodes of incapacity**².

¹ Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.

² "Incapacity," for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

-
6. a. If additional **treatments** will be required for the condition, provide an estimate of the probable number of such treatments.

If the patient will be absent from work or other daily activities because of **treatment** on an **intermittent** or **part-time** basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

- b. If any of these treatments will be provided by **another provider of health services** (e.g., physical therapist), please state the nature of the treatments:

- c. **If a regimen of continuing treatment** by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

-
7. a. If medical leave is required for the employee's **absence from work** because of the **employee's own condition** (including absences due to pregnancy or a chronic condition), is the employee **unable to perform work** of any kind?

- b. If able to perform some work, is the employee **unable to perform any one or more of the essential functions of the employee's job** (the employee or the employer should supply you with information about the essential job functions)? If yes, please list the essential functions the employee is unable to perform:

- c. If neither a. nor b. applies, is it necessary for the employee to be **absent from work for treatment**?

8. a. If leave is required to **care for a family member** of the employee with a serious health condition, **does the patient require assistance** for basic medical or personal needs or safety, or for transportation?

b. If no, would the employee's presence to provide **psychological comfort** be beneficial to the patient or assist in the patient's recovery?

c. If the patient will need care only **intermittently** or on a part-time basis, please indicate the probable **duration** of this need:

Signature of Health Care Provider

Type of Practice

Address

Telephone Number

Date

To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

Employee Signature

Date



County of Fairfax, Virginia

MEMORANDUM

DATE: July 25, 2008

TO: Department Heads Payroll Contacts HR Managers

FROM: Susan Woodruff
Susan Woodruff
Acting Human Resources Director

SUBJECT: Parental Leave

The Board of Supervisors requested a follow up review of the leave benefits study conducted two years ago to further explore enhanced options for employees. As a result of that request, a new leave program, Parental Leave, was approved by the Board on July 21, 2008 and will be **effective September 13, 2008 (pay period 20)**.

Similar to Volunteer and Bereavement Leave, Parental Leave supplements current annual and sick leave benefits. Parental leave will provide up to 80 hours of paid leave (prorated based on scheduled work hours) to be used within 12 months following the birth, adoption, or foster care placement of a child. Announcement of the new leave program will be published in the August 1st edition of the Courier. Key highlights of the new leave provision are as follows:

- Eligibility for the leave includes all merit and probationary employees in a leave earning status.
- Parental leave will run concurrent (tracked at the same time) with Family Medical Leave, meaning it counts towards and is included in the 12 week entitlement. In the event an employee has exhausted FML, he or she would remain eligible for the parental leave benefits.
- Sub-object codes have been created in prism for time and attendance tracking and can be used as of September 13, 2008 (pay period 20).
- Departments can use established procedures to coordinate leave requests and or the Certification of Health Care Provider form when applicable which is posted on the DHR website.

For additional details a FAQ has been posted on the ER website as a resource to provide information to employees: <http://infoweb.fairfaxcounty.gov/hr/relate/parentleave.htm>

Please review and disseminate information in your department accordingly. Questions concerning the new provision should be directed to the Employee Relations Division, Department of Human Resources at (703) 324-3495.

cc: Anthony H. Griffin, County Executive
Edward L. Long, Jr., Deputy County Executive
Rob Stalzer, Deputy County Executive
Verdia L. Haywood, Deputy County Executive
David Molchany, Deputy County Executive

Appendix 5

County Personnel Regulation-Memorandum 3,
Advance/Extraordinary Sick Leave

APPENDIX 5

PERSONNEL/PAYROLL ADMINISTRATION POLICIES AND PROCEDURES	MEMORANDUM NO. 3 (Revised)
TO: AGENCY HEADS AND PAYROLL CONTACTS	
FROM:  Peter J. Schroth Human Resources Director	Date: February 15, 2006
SUBJECT: Advance/Extraordinary Sick Leave	
EFFECTIVE DATE: Immediately	EXPIRATION DATE: Indefinite

PURPOSE

To provide procedures for processing requests for advance and extraordinary sick leave.

I. ADVANCE SICK LEAVE

1. POLICY (Reference Personnel Regulation 10.12)

- A. A merit employee qualified to earn ordinary sick leave may be granted advance sick leave (ASL) not to exceed 192 hours (288 hours for 24-hour shift employees). ASL may be requested in cases of a serious disability or ailment of the employee or the employee's spouse, child, parent or parent-in-law.
- B. ASL shall not be granted until the employee's combined annual and compensatory leave balance is 80 hours or less (120 hours for 24-hour shift employees).
- C. An employee in his/her first year of service with the County shall not normally be advanced sick leave.
- D. ASL shall not be approved retroactively to restore hours previously charged to annual or compensatory leave.
- E. An employee may not use regular sick leave until the ASL is repaid.
- F. An employee who returns to work before using all of the approved ASL may request an adjustment to his/her leave record to eliminate or reduce the remaining approved ASL.
- G. An employee who leaves County service before repaying the ASL must reimburse the County for the remaining balance.
- H. An employee who leaves County service due to death or full disability before repaying

the ASL shall not be required to reimburse the County for the remaining balance.

- I. An employee who resigns for medical reasons before repaying the ASL shall not be required to reimburse the County for the remaining balance if supporting documentation is provided by the employee's department head or designee.

2. PROCEDURES FOR REQUESTING ADVANCE SICK LEAVE

- A. When a department head believes that a request for Advance Sick Leave is justified and in the best interest of the County, an ASL Request Form (Attachment 1) shall be submitted to the Payroll Division, Department of Human Resources.
- B. The following documents must be attached to the request form:
 1. A memorandum (see Attachment 2 for a sample) signed by the department head or designee which includes the:
 - a. recommendation of the department head
 - b. employee's probable date of return to duty and prospect for continued employment
 - c. probability of the employee liquidating the leave to be advanced
 2. A statement from the attending physician indicating the circumstances and probable dates of absence.
 3. A signed Statement of Understanding (Attachment 3) from the employee indicating that he/she understands the ASL policies. When the statement cannot be obtained from the employee, this should be noted on the form and signed by the employee's supervisor.
- C. As the County Executive's designee, the Human Resources Director or his/her designee will review the information provided and approve the request if it meets the criteria outlined above.
- D. The Department of Human Resources will notify the requesting department when the request has been approved/disapproved.
- E. If approved, the employee's time and attendance report should be coded using the appropriate ASL subobject code (112, 312, 412).
- F. If the ASL request requires a pay/leave adjustment, an adjustment PAR should be submitted to the Payroll Division, Department of Human Resources.

II. EXTRAORDINARY SICK LEAVE

1. **POLICY** (Reference Personnel Regulation 10.13)
 - A. If advance sick leave does not cover the employee's illness or injury, extraordinary sick leave (ESL) may be granted. ESL shall not exceed one-half day for each month of

service.

- B. ESL will be recorded on the employee's leave record but will not be charged to future accrued leave of any kind.

2. PROCEDURES FOR REQUESTING EXTRAORDINARY SICK LEAVE

A. When a department head believes that a request for ESL is justified, an ESL Request Form (Attachment 4) shall be submitted to the Payroll Division, Department of Human Resources.

B. The following documents must be attached to the request form:

1. A memorandum (see Attachment 5 for a sample memo) signed by the department head or designee which includes the:
 - a. recommendation of the department head
 - b. number of hours of ESL requested
2. A statement from the attending physician indicating the circumstances and probable dates of absence.

C. The Human Resources Director shall consider the information provided and make a recommendation to the County Executive.

D. ESL is approved by the County Executive or his/her designee.

E. The Department of Human Resources shall notify the requesting department of the County Executive's approval/disapproval. (See Attachment IV).

F. If approved, the employee's time and attendance report should be coded using the appropriate ESL subobject code (113, 313, 413).

G. If the ESL request requires a pay/leave adjustment, an adjustment PAR should be submitted to the Payroll Division, Department of Human Resources

County of Fairfax
Manual Personnel Action/Adjustment Form
REQUEST FOR ADVANCE SICK LEAVE

Employee Name: _____ SSN: _____
Dept: _____ Appt. Date: _____

Recommend approval of _____ hours advance sick leave. Ordinary sick leave will be exhausted as of COB _____. Annual and compensatory leave will be reduced to 80 hours as of COB _____. Advance sick leave use begins on _____ and ends on _____.

Attached: Appointing Authority's memorandum
Physician's certification of employee's inability to work (including dates)
Statement of Understanding from employee

Department Head Date



Department of Human Resources Action:

_____ Approve _____ Hours of Advance Sick Leave
_____ Disapprove Advance Sick Leave Request

Human Resources Director Date



DISTRIBUTION: Department of Human Resources - Employee file
Agency file



County of Fairfax, Virginia

MEMORANDUM

DATE: February 10, 2006

TO: Peter J. Schroth, Director
Department of Human Resources

FROM: Department ABC

SUBJECT: Request for Advance Sick Leave for Mary Jones

I am requesting that Mary Jones be granted 10 days of advance sick leave.

Ms. Jones has been employed with the Department of Vehicle Services since November 2, 1981. It is anticipated that Ms. Jones will return to work on March 17, 2006. I expect that she will continue her employment with Fairfax County long enough to repay the sick leave.

ADVANCE SICK LEAVE
Statement of Understanding

In accordance with the provisions of Personnel Regulation 10.12 and Procedural Memorandum No. 3, I understand:

1. I must repay all of the approved advance sick leave that I use.
2. Advance sick leave is charged to future accruals of regular sick leave.
3. I may not use regular sick leave until the advance sick leave is repaid.
4. If I leave County Service for any reason before repaying the advance sick leave, I must reimburse the County for the remaining balance except in the case of full disability or death.

Employee Signature

Date

Employee Social Security Number

DISTRIBUTION: Department of Human Resources - Employee File
Employee

County of Fairfax
Manual Personnel Action/Adjustment Form
REQUEST FOR EXTRAORDINARY SICK LEAVE

Employee Name: _____ SSN: _____
Dept _____ Appt. Date: _____

Recommend approval of _____ hours extraordinary sick leave. Ordinary sick leave will be exhausted as of COB _____. Annual and compensatory leave will be reduced to 80 hours as of COB _____. Extraordinary sick leave use begins on _____, ends on _____.

Attached: Appointing Authority's memorandum
Physician's certification of employee's inability to work (including dates)

Department Head Date



Department of Human Resources Recommendation:
_____ Approve _____ Hours of Extraordinary Sick Leave
_____ Disapprove Extraordinary Sick Leave Request

Human Resources Director Date



Office of the County Executive Action:
_____ Approve _____ Hours of Extraordinary Sick Leave
_____ Disapprove Extraordinary Sick Leave Request

County Executive/Deputy County Executive Date

DISTRIBUTION: Department of Human Resources - Employee file
Department file



County of Fairfax, Virginia

MEMORANDUM

DATE:

TO: Peter J. Schroth, Director
Department of Human Resources

FROM:

SUBJECT: Request for Extraordinary Sick Leave for Mary Jones

Mary Jones performs a critical job for the Department of Family Services, Office for Children. As Director of Training and Technical Services, she is responsible for the direction of staff development and training insuring compliance with federal, state and local laws, county mandate, professional accreditation, and licensing standards. During her tenure and in performing her duties, she has been a definite asset to the Office for Children and to the County of Fairfax.

Advance sick leave has previously been granted. Therefore, I request granting extraordinary sick leave for Ms. Jones. Ms. Jones has been employed since January 6, 1995, a period of 83 months, which makes her eligible for 332 hours of extraordinary sick leave.

Thank you for your consideration and action on this important matter.

Appendix 6

General Order 330

Reporting Personal Injury

APPENDIX 6

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REPORTING PERSONAL INJURIES	NUMBER: 330
CANCELS ORDER DATED: 7-1-02	DATE: 10-1-04

I. PURPOSE

To ensure prompt and accurate reporting of any injury which may be covered under the provisions of the Worker's Compensation Act.

II. PROCEDURES

A. Law Enforcement-Related Injuries

1. Initial Reporting

- a. On-Duty Injuries - Department employees who sustain a personal injury during their normal tour of duty shall report the circumstances orally to their immediate supervisor. If the immediate supervisor is not available, the next level supervisor in the employee's chain of command shall be notified.
- b. Off-Duty Injuries - Law Enforcement Related - Any Police Department employee who sustains a personal injury during the performance of a law enforcement or rescue function shall notify an on-duty supervisor.
- c. In instances where the nature of injury requires medical treatment, the supervisor shall ensure that the employee's commander is immediately notified of the incident. If the commander is unavailable, the Staff Duty Officer shall be notified.
- d. If the Fairfax County Public Safety Occupational Health Center determines that an officer has a high blood pressure condition, this determination will be reported via the Teleprompter injury reporting system. If high blood pressure is detected during a private physical examination, an appointment will be made as soon as possible with the Fairfax County Public Safety Occupational Health Center. This is to conduct a monitoring period at the end of which time a determination will be made as to the existence of a high blood pressure condition.

APPENDIX 6

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REPORTING PERSONAL INJURIES	NUMBER: 330
CANCELS ORDER DATED: 7-1-02	DATE: 10-1-04

2. To report an on duty or off duty work related injury for purposes of Virginia Workmen's Compensation coverage, the employee or supervisor shall as soon as practical contact The Schaffer Companies, Ltd. using the telereporting system or the on line injury reporting system. The telereporting system is a toll-free telephone claims reporting system available 24-hours a day. The telephone number for this service is 1-877-927-7871. The online claim reporting system is accessed through www.claimline.com/fairfaxcounty.
3. The supervisor will confer with the affected employee in the completion of the Report of Work Related Injuries/Illness Form, review the completed form for accuracy and completeness, and then ensure the information is conveyed promptly to The Schaffer Companies, Ltd. by no later than the end of the workday.
4. The Schaffer Companies, Ltd. sends the injured employee's information to the Virginia Workers' Compensation, who in turn, mails the injured employee forms required to file a claim. These forms contain a summary of the benefits the injured employee may be entitled to if the injury is determined to be compensable. A claim has not been filed until the employee has completed and returned these forms to the Virginia Workers' Compensation Commission.

NOTE: The injured employee should provide a copy of the completed claim to the Administrative Support Bureau for record keeping purposes. It is the responsibility of the injured employee to file a claim with the Virginia Workers' Compensation Commission within two years from (1) the date of the injury or (2) the date a doctor diagnoses an occupational disease.

5. The supervisor responsible for documentation and reporting an injury is required to submit a "Medical Status Report" form when applicable. This form is to be submitted when medical treatment is obtained. The treating physician will be requested to complete the "Physician's Initial Report" section.
6. The report form (either the Report of Work Related Injury/Illness Form or a copy of the online report form) and any related Medical

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: REPORTING PERSONAL INJURIES	NUMBER: 330
CANCELS ORDER DATED: 7-1-02	DATE: 10-1-04

Status Report shall be faxed within 24 hours of the initial injury to the Administrative Support Bureau at 703-273-6231.

7. Emergency and follow-up medical treatment for law enforcement related injuries must be performed by one of the facilities or physicians approved by the Office of Risk Management. The names of approved physicians and facilities are available at each district station and PSCC. The eligible list is periodically updated by memorandum as changes occur. Employees must obtain prior approval for treatment rendered by a facility or physician not listed or they will be personally liable for any payments due.
8. Personnel who receive medical bills for job-related injuries/illnesses shall forward the bills to the Administrative Support Bureau who will forward the bills to Risk Management for payment.

B. Injury Leave Administration

1. Employees who are injured while performing the duties of their position without fault or negligence on their part will immediately be placed on injury leave, if the injury prevents a return to duty.

When possible, employees who have been injured, but are not totally disabled, will be placed in temporary assignments without loss of pay to perform duties that fall within the medical restrictions prescribed.

2. Commanders of employees who are on injury leave shall ensure that the Medical Status form reflects the injury leave data and the return to duty date signed by the attending physician.
3. Injury leave begins on the first day of injury and shall expire not later than twelve calendar months from the original injury date. Reinjuries do not extend the period of eligibility for injury leave. Temporary, seasonal and exempt employees are not eligible to receive injury leave. When assigned to injury leave status, no other leave benefits will accrue.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REPORTING PERSONAL INJURIES	NUMBER: 330
CANCELS ORDER DATED: 7-1-02	DATE: 10-1-04

Extensions of injury leave beyond twelve calendar months may be granted by the Agency Head. In evaluating such requests, the following elements shall be considered:

- a. The circumstances in which the injury occurred, to include consideration of the nature and extent of the injury.
 - b. The nature and extent of treatment, providing that the employee has continued under the regular care of the authorized physician requiring an office visit at minimum intervals of at least once every three months; and providing that the medical records clearly substantiate a relationship between prescribed treatment and the original injury.
 - c. The likelihood of the employee's return to duty.
 - d. The employee's past injury, leave and service record.
 - e. The employee's compliance with injury leave policies and requirements.
4. Employees on injury leave are specifically prohibited from engaging in activities that may impair their recovery. These include:
- a. Engaging in strenuous recreational or other physical activities without the approval of the authorized physicians.
 - b. Being employed or self-employed to perform work of any kind without the prior written approval of the authorized physician and the Human Resources Director.

C. Off-Duty Injuries - Not Law Enforcement Related

All Department employees, both sworn and civilian, shall report in writing to the Chief of Police the facts and circumstances of any personal injury sustained while off duty which may interfere with the performance of duty. Such report shall be made within 48 hours of the injury, or as soon as the employee is physically capable of doing so. If the off-duty injury renders the employee incapable of reporting to the next scheduled tour of duty, this

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REPORTING PERSONAL INJURIES	NUMBER: 330
CANCELS ORDER DATED: 7-1-02	DATE: 10-1-04

shall be reported to the employee's immediate supervisor no later than the time scheduled for the beginning of the tour of duty. The employee, upon returning to duty, shall submit a "Medical Status Report" form indicating the employee's duty status and signed by the attending physician.

III. LEGAL REFERENCE

Code of Virginia, Title 65.I.

This General Order becomes effective October 1, 2004 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

APPROVED BY:

Chief of Police

County Executive

Appendix 7

General Order 331

Restricted Duty

GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: RESTRICTED DUTY	NUMBER: 331
CANCELS ORDER DATED: 1-1-98	DATE: 7-1-08

I. PURPOSE

The policies and procedures established herein are designed to ensure the Department responds efficiently and effectively to meet the police service needs of the citizens of Fairfax County. Additionally, this policy provides a guideline for balancing the requirements to meet police service demands with the needs of those non-probationary employees who due to injury, illness, or other disability become temporarily unable to perform all the essential task requirements of a police officer.

II. POLICY

The Department is committed to providing the citizens of Fairfax County with efficient and effective police service while adhering to the provisions of the Americans with Disabilities Act. This policy will be reviewed on a regular basis to ensure full compliance with ADA related administrative regulations adopted by the Fairfax County Office of Personnel and Office of Equity Programs.

III. APPLICABILITY

This policy establishes policy and administrative procedures relating to the physical and/or mental fitness required of all personnel holding sworn police positions within the Department. The fitness and duty requirements shall also apply to probationary police officer trainees and police cadets.

IV. DEFINITIONS

Essential Job Tasks: The mandatory core job tasks each sworn employee must be mentally and physically capable of performing with or without a reasonable accommodation to be eligible for hire and/or continued employment as a sworn police officer.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: RESTRICTED DUTY	NUMBER: 331
CANCELS ORDER DATED: 1-1-98	DATE: 7-1-08

Full Duty: A job status indicating that an employee is capable of performing the essential job tasks required of a police officer.

Medical Temporary Restricted Duty: A limited term duty status indicating that a sworn employee is not able to perform some essential police officer job tasks, but is able to perform useful law enforcement-related work and is medically approved to be assigned to an existing administrative or service position within the Department. In those instances where an assignment within the Department is not available, consideration will be given to placing an employee temporarily with another county agency for the duration of their incapacity.

During this period of incapacity, the agency will restrict the affected employee's use of marked police vehicles and require that only civilian attire be worn. This action is intended to limit the exposure of an injured or disabled employee to additional injury or stress, and to ensure that officers are not placed in a position which would represent a risk to themselves, other employees, or the public.

Reasonable Accommodation: Includes, but is not limited to, making existing facilities used by employees readily accessible to and useable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; providing readers or interpreters, etc.

Undue Hardship: Means, with respect to providing an accommodation, incurring a significant expense or significant difficulty by the agency in light of the nature and net cost of the accommodation; the overall financial resources involved in providing the accommodation; the effect on expenses and resources; the type and location of the operation; the impact of the accommodation upon operations, including the impact on the ability of other employees to perform their duties and on the facility's ability to conduct business.

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FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: RESTRICTED DUTY	NUMBER: 331
CANCELS ORDER DATED: 1-1-98	DATE: 7-1-08

V. PROCEDURES

A. Essential Job Tasks

The position of sworn police officer, regardless of rank or assignment, requires the ability to perform certain essential job tasks. Essential job tasks for all sworn police officers shall include the ability to work shift work and to effectively and safely use, during both normal and emergency conditions, all standard issued police equipment. Such equipment shall include, but is not limited to: a standard police vehicle, MDT/CAD terminals and displays, report forms and documents, police radio equipment, service pistol, shotgun, baton, pepper spray, and handcuffs. Additionally, as mandated under Regulation 201.6, all officers are charged with the duty to: preserve the public peace; protect life and property; and enforce the laws of the Commonwealth of Virginia and the County of Fairfax. As such, all officers must be reasonably capable of making a forcible arrest and providing routine and emergency assistance to citizens and officers.

B. Medical Temporary Restricted Duty

1. Officers who are not able to perform essential job tasks due to a temporary injury, illness, or other disability may be granted a limited term of restricted duty. The initial determination that restricted duty status is indicated will be based upon a review of the individual circumstances on a case by case basis.
2. Priority for the granting of medical temporary restricted duty will be given to cases involving on-duty or employment related injuries, illnesses, and disabilities over cases which involve an off-duty or non-employment related causative factors.
3. Medical temporary restricted duty and placement in a temporary duty assignment will be limited to those cases where the incapacity is expected to be more than 14 days. If granted, such accommodation may include: reassignment to a location which places less physical or mental demands on an officer; job restructuring; scheduling adjustments; and modification and/or adjustments to office equipment/devices. Any reassignment or

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: RESTRICTED DUTY	NUMBER:	331
CANCELS ORDER DATED: 1-1-98	DATE:	7-1-08

accommodation shall be made to an existing position within the department. The Department is not required to bear an undue hardship in making a reasonable accommodation, and may limit the number of such available positions based upon the needs of the agency.

4. Permanent restricted duty assignments or accommodation agreements shall not be made. Any restricted duty assignment or accommodation made for an illness, injury, disability, or other cause, which is required due to an employee's inability to perform all the essential job tasks required for a sworn position shall be limited to a maximum of 12 months. In cases of prolonged (excess of 9 months on restricted duty, with a prognosis indicating probability of work restrictions continuing beyond 12 months or 2080 hours) or in cases of a permanent injury, chronic disabling illness or other disability, an employee will be offered the following options: appointment to an existing non-sworn police department or general county position in which the employee can meet all of the essential job functions and qualifications; retirement; resignation; or involuntary separation.
5. Injuries or illnesses for which the employee needs accommodation for less than fourteen days from the date of occurrence/onset may be addressed at the station/division level. Division Commanders may seek to temporarily restrict officers under their command in their law enforcement authority as set forth in this section if circumstances indicate such limitations are in the best interests of the Agency due to the employee's inability to perform all essential tasks; alternately, the employee may elect to use sick, annual, or compensatory leave.
6. An employee in restricted duty is prohibited from engaging in any department approved, police-related, off-duty employment. This prohibition shall include voluntary overtime assignments which are outside the normal restricted duty assignment of the employee.
7. To ensure that officers who are unable to perform essential tasks are not placed in a position which would represent a risk to themselves, other employees or the public, all officers placed into

GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: RESTRICTED DUTY	NUMBER:	331
CANCELS ORDER DATED: 1-1-98	DATE:	7-1-08

restricted duty status shall not wear a police uniform and shall not operate a marked police vehicle unless said vehicle is clearly marked as being out of service. Service weapons or approved off-duty weapons must be concealed from view if worn. Any enforcement action taken must be in accordance with General Order 601, Arrest Procedures, Section X, Special Instances, Paragraph E, Off-duty Incidents. These restrictions will be documented in written form, with a copy provided to the affected officer. These restrictions are not a disciplinary action but are intended to relieve the employee of the responsibility of having to take enforcement action when they are physically unable to do so.

C. Notification requirements

1. The notification requirement of this order may be met by compliance with the existing injury reporting policy mandated under the established Risk Management Procedures for Claims, the provisions of the Virginia Workmen Compensation Law and General Order 330, Reporting Personal Injuries. However, if such a notification is not mandated under existing reporting requirements, a separate notification shall be made under this section.
2. Any officer experiencing an on-duty or off-duty injury, illness, or disability that has caused any restriction in the ability of the affected officer to perform all essential job tasks shall be reported immediately by the officer through their supervisor to their respective bureau commander.
3. The affected bureau commander shall promptly notify the Administrative Support Bureau of any officer becoming subject to the provisions of this general order.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: RESTRICTED DUTY	NUMBER:	331
CANCELS ORDER DATED: 1-1-98	DATE:	7-1-08

D. Documentation required

All reports and personnel actions (to include: transfers, temporary assignments, employee reclassifications, accommodation agreements, employee physical ability records, etc.) required to effectively administer the provisions of this general order will be documented in writing on approved forms. Copies will be maintained in the Administrative Support Bureau restricted duty file. Copies of actions involving an employee will be provided to the employee, and a copy placed in the affected employee's personnel file.

Medical information, such as detailed physicians reports, will be filed separately in the employee's medical information file.

E. Evaluation Criteria.

To ensure that this policy is administered in an objective, consistent and non-discriminatory manner, the determination of an employee's fitness and/or ability to perform the full range of essential police officer job tasks must be based on objective job-related criteria. The primary criteria to be used for a fitness for duty determination shall include one or more of the following:

- Results of a medical and/or psychological examination performed by a County physician or a physician approved by the Division of Risk Management, with the determination of fitness for duty being based upon the established Public Safety Position Medical Standards, police officer position description, and list of essential job tasks.
- An official report, training record, administrative investigation, performance evaluation, or request for accommodation.

VI. ADMINISTRATION

- A. The administration of the provisions of this policy will be supervised and coordinated by the Commander of the Administrative Support Bureau and his/her designee. The Commander of the Administrative Support Bureau may form and utilize a "Restricted Duty Advisory Panel" which may, as deemed necessary, include staff or line representatives from within the Department, Office of Personnel, Office of Equity Programs, the Office of the County Attorney and Risk Management. This panel shall review and make advisory recommendations regarding the application of this policy and related administrative procedures to the commander of the Administrative Support Bureau.
- B. To ensure the equitable application of this policy and enhance the proper administration and control of those sworn personnel placed in a restricted duty status for more than 14-days, all such employees shall be placed under the direct administrative authority of the Commander of the Administrative Support Bureau. Any reassignment, transfer, accommodation agreement, job restructuring, or other personnel action involving such personnel shall be coordinated with and approved by the Administrative Support Bureau Commander or his/her designee. Where there is an occupational injury or illness for which an employee has filed a Workers Compensation claim, established procedures as outlined in the Risk Management Manual will be followed including oversight/coordination of temporary modified duty/bridge assignments by the Fairfax County Rehabilitation Specialist.
- C. The commander of the Administrative Support Bureau shall maintain a tracking system and report on a monthly basis to the administrative staff all employees subject to the provisions of this general order due to their inability to perform all essential police officer job tasks and/or who are on restricted duty status. This report will include the employees current duty status, regular and temporary restricted duty assignments, types of leave applied, relevant dates (indicating the beginning of restricted duty status, personnel action dates, medical examination dates, date of expected return to full duty) and any other required information required to administer and coordinate the application of this general order.

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

PER.

03.03

03.06

This General Order becomes effective July 1, 2008 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

APPROVED BY:

Chief of Police

County Executive

Appendix 8

Command Staff Memorandum 02-148

Family Support Policy—Extended Leave

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Command Staff **DATE:** July 18, 2002

FROM: J. Thomas Manger, Colonel
Chief of Police 

FILE: 02-148

SUBJ: Family Support Policy – Extended Leave

REF: Family Medical Leave Act

Background

A mission of the agency requires the delivery of critical public safety services on an ongoing basis. The foundation of our ability to provide these critical services has always rested on the dedication and professionalism of our civilian and sworn personnel. The police department supports the long-term value of supporting a positive environment for work & family of our career employees to nurture and support their family.

The purpose of this memorandum is to serve as a guide to assist commanders in the consideration of extended leave requests based upon the current County Family and Medical Leave Policy, as detailed in Personnel/Payroll Administration Policy #43.

Extended Leave Policy

For career civilian and sworn police department employees (non-probationary):
In accordance with the County FMLA policy, an employee who is otherwise eligible for FMLA leave may request additional leave. The basis for this request must meet the established criteria for FMLA leave. Upon a written request from the employee which details the employee's eligibility and specifies the amount of additional leave requested, the affected Bureau Commander may approve up to a total of three additional months of leave. The combined total amount of leave should be no longer than six months or 960 hours.

Command Staff
July 18, 2002
Page Two

The consideration of an extended leave request may involve several independent factors and ideally the final determination will reflect a reasonable balance between the service requirements and capabilities of the agency and the needs of the employee. Consideration factors could, as an example, include the ability to meet minimum staffing and service delivery needs reassignment considerations, employee tenure, job performance, and prior leave use history.

During any period of FMLA extended leave, an employee shall not perform any outside employment in any capacity.

Documentation of any FMLA extended leave shall be made and include at minimum the initial written employee request and the response from the agency. These documents shall be retained in the employee's personnel file.

In the event an employee desires to contest a negative determination of an extended leave request, the final authority for extended leave requests shall rest with the Chief of Police.

For probationary civilian and sworn police department employees: Probationary employees are fully eligible for FMLA leave per County policy. Employees in the probationary period of initial employment, to include all Police Officer I employees who have not completed their post basic training probationary period, are limited to the basic provisions of the County FMLA Policy. Extended FLMA leave shall not be granted for probationary employees.

It is hoped that the consistent application of this policy will assist employee's in meeting any need for extended leave beyond the minimal requirements of the FMLA. The most typical examples of use will include allowing a parent to take up to six months of leave, including leave without pay, for the birth or adoption of a child, care for an ill spouse, or in response to a serious medical condition.

JT/fw

Reference:

Personnel Procedures Memorandum #43, Family Medical Leave and County Personnel Regulations, Chapter 10, Leave Policy, are both available at: <http://infoweb/hr/>

Appendix 9

County Personnel Regulation—Memorandum 45

Flextime/ Compressed Work Schedules

APPENDIX 9

PERSONNEL/PAYROLL ADMINISTRATION POLICIES AND PROCEDURES		MEMORANDUM NO. 45
TO:	AGENCY HEADS AND PAYROLL CONTACTS	
FROM:	 Peter J. Schroth Human Resources Director	<u>1-12-99</u> Date
SUBJECT:	Flextime/Compressed Work Schedules	
EFFECTIVE DATE:	Immediate	EXPIRATION DATE: Indefinite

1. **PURPOSE:**
This memorandum provides information and guidelines for the implementation of a flexible/compressed work schedule program and supersedes the memorandum dated July 18, 1994.
2. **POLICY:**

In an effort to accommodate the personal needs of employees, increase productivity, and facilitate the traffic flow at the Government Center and other work sites, all department directors are strongly encouraged to consider the implementation of flexible/compressed work schedules when requested by employees. The standard office hours for Fairfax County Government remain 8:00 a.m. to 4:30 p.m.
3. **DEFINITIONS:**
 - A. **Flextime** - a work schedule that splits the workday into two kinds of time, core time and flexible time. Employees must work during the core time (9:00 am- 3:00 pm); arrival and departure time are flexible.
 - B. **Compressed Work Schedule**- a work schedule in which an employee works 80 hours within the two week pay period but work schedule is not the traditional five 8 hour days per week. (Attachment #1 provides examples of compressed work schedule options.)
4. **PROCEDURES:**
 - A. Department directors must assess department functions closely to determine which employees or groups of employees would be eligible for flexible/compressed work schedules. It is recognized that certain operations within County Government do not lend themselves to a flexible/compressed work schedule. Department directors may exclude organizational units or positions from such schedules to meet operational demands.

- B. Where flexible/compressed work schedules are allowed, a director may specify the types of flexible/compressed work schedules that will be available to employees in accordance with operational requirements including any core hours (if core hours are appropriate), and may exclude employees with bona fide performance or attendance problems. (Attachment #2 provides questions for review when considering alternative work schedules.)
- C. Generally, core time for Fairfax County government offices is 9:00 a.m. to 3:00 p.m. Directors may alter the core time period if operationally necessary.
- D. When implementing flextime schedules, time bands must be established setting the outside limits for both arrival and departure times. The determination of the established schedules will depend largely on the operational needs and interagency relationships of the departments.
- E. Compressed work schedules which authorize other than a 40 hour work week should be reviewed carefully to ensure that the department is aware of Fair Labor Standards Act (FLSA) overtime pay requirements for hours worked beyond 40 in the work week.
- F. Department directors should solicit employee input when developing flexible/compressed work schedules to ensure that both operational and employees needs are addressed to the fullest extent possible.
- G. Departments' flexible/compressed work schedule policy should be provided in writing to all employees to ensure no misunderstanding of the department's specific procedural requirements.
- H. For record keeping purposes, departments should consider use of a form for the flexible/compressed work schedule request and approval process. (Sample form provided as attachment #3.)
- I. Flexible/compressed work schedules should be reevaluated periodically to ensure that public service, supervision and employee needs are being adequately addressed.

Questions may be directed to the Employee Relations Division on 324-3495.

Attachments

COMPRESSED WORK SCHEDULE EXAMPLES

I.	Week 1					Week total = 44
	M	T	W	Th	F	
	9	9	9	9	8	
	Week 2					Week total = 36 2 week total = 80
	M	T	W	Th	F	
	9	9	9	9	off	
II.	Week 1 & 2					2 week total = 80
	M	T	W	Th	F	
	Off	10	10	10	10	
III.	Week 1 & 2					2 week total = 80
	M	T	W	Th	F	
	9	9	9	9	4	

QUESTIONS TO ASK WHEN CONSIDERING FLEXIBLE/ ALTERNATE WORK SCHEDULE

1. Does your organization or some of its sections have contact with the public on a regular volume basis?
2. Are there peak periods of workload generated by phone, mail or public contact which can be identified?
3. Are workloads on certain days of the week heavier than others?
4. Are workloads during certain times of the month heavier than others?
5. What are minimum manning levels required to do the job during peak workload periods? During other periods?
6. Are there daily or periodic scheduling or production deadlines to be met?
7. What interrelationships exist within your organization that could be effected?
8. Have you studied the organization's work flow to identify points at which scheduling would have a major impact?
9. When are meetings typically held? Can these times be changed to fall within core time?
10. Is the same core time appropriate for the entire organization or would various sections require an extended core time?
11. Does telephone contact play a major role within your organization? Can you identify peak periods?
12. Are certain areas concerned primarily with handling incoming and outgoing mail? Can you identify peak periods?
13. Should certain positions be excluded from flexible/ alternate work schedule? If so, what types of problems could result from the restriction on some positions?
14. What is employee reaction to the idea?

These questions should generate thinking and attention to those items which may influence department's decisions as to what flexible/ alternate work schedule would work in your organization.

Appendix 10

County Personnel Regulation—Memorandum 20

Job Shared Positions

APPENDIX 10

PERSONNEL/PAYROLL ADMINISTRATION POLICIES AND PROCEDURES	MEMORANDUM NO. 20 (Revised)
TO: AGENCY HEADS AND PERSONNEL/PAYROLL CONTACTS	
FROM:  Human Resources Director	June 29, 2004 Date:
SUBJECT: Job-Shared Positions	
EFFECTIVE DATE: Immediately	EXPIRATION DATE: Indefinite

1. PURPOSE

This memorandum defines the County's policies and procedures concerning job-shared positions, which are full-time (forty hours per week) merit positions filled by two half-time merit employees. Limited term positions may not be job-shared, as it is more expeditious to create two limited term positions that can be better tailored to meet the needs of the department.

2. CRITERIA

Each employee in a job-shared position shall meet the following conditions:

- Be appointed to the same classification as that of the position. (Underfill appointments may be made when needed);
- Share the duties and responsibilities cited in the position description on an equitable basis both in terms of quantity and type of duty;
- Be scheduled to work 40 hours per pay period.

The fact that a position is shared by two employees cannot change its basic elements (e.g., classification, scheduled hours). While it is recommended that each employee in a job-shared position have the same supervisor, exceptions may be appropriate to meet operational needs.

3. BENEFITS

As merit employees working forty hours per pay period, persons in job-shared positions are eligible for all benefits (e.g., leave, holidays), prorated to reflect their scheduled hours of work because the benefits are prorated, particular so care must be taken in entering employee hours in Online Time.

As with any other merit employee, the County does not contribute to the health insurance premium for any month in which a job-sharing employee has less than forty hours in a pay status (i.e., on the job or on paid leave) for two consecutive biweekly paydays in that month. As a result, a job-sharing employee reporting leave without pay may be required to pay the entire monthly premium to maintain continuous insurance coverage. Membership in the retirement system is mandatory.

4. ESTABLISHING A JOB-SHARED POSITION

- A. A job-shared position may be appropriate for many reasons, such as:
- It provides the department with enhanced resources, since the department has two employees, each possessing unique skills.
 - It allows the department to retain a valued employee or employees no longer wishing to maintain a forty-hour work week.
 - It opens up job opportunities to re-entry applicants, parents of school-aged children, senior citizens, students, specialized professionals, and others who, for various reasons, may not wish to maintain a forty-hour work week.
- B. Decisions to establish job-shared positions are made by the department head, with the approval of the Department of Human Resources and Department of Management and Budget. Any current employee may submit a request to the department head asking that his/her position be converted to job-shared.
- C. Work schedules should be established through discussion among the supervisor and incumbents. There are a variety of possible schedules, including:
- Splitting the day (one employee works mornings, the other works afternoons);
 - Splitting the week (each employee works 2-1/2 days per week);
 - Splitting the pay period (employees work alternate weeks);
 - Working alternate days.

It is recommended that an overlap period be built into any work schedule to allow the job-sharing employees time to maintain continuity in their work, discuss work problems, etc.

- D. Changes in assignments and hours of work may be initiated by the incumbents of job-shared positions with the agreement of the supervisor. Changes may also be initiated by the supervisor to meet the needs of the department.
- E. When designating a supervisory position as job-shared, careful consideration should be given to communication and coordination to ensure that the work standards, supervisory styles and expectations of the two supervisors are compatible, consistent and clearly communicated to subordinates.
- F. Incumbents in a job-shared position have a right to continue in that status as long as both halves of the job are filled. If one of the job-sharing employees leaves the position, department head may reassess the operational effectiveness of the job share arrangement to determine if he/she wishes it to continue. Should the department head determine that continuation of the job share arrangement is not in the best interest of the department, the remaining incumbent shall be provided a minimum of 120 days advance notice of the termination of the job share status. The incumbent shall have the opportunity to increase his or her schedule to full time if interested.

- G. If both parts of a job-shared position are vacant, the job-shared position may be converted to a full-time position with one incumbent.

5. PROCEDURES

- A. To convert an existing position to job-shared, a position control form changing the Job-Share Indicator from "N" (No) to "Y" (Yes) should be submitted through the Department of Management and Budget to the Department of Human Resources/Compensation and Workforce Analysis Division. (Attachment 1)
- B. To discontinue having a position job-shared, a position control form changing the Job-Share Indicator from "Y" (Yes) to "N" (No) should be submitted through the Department of Management and Budget to the Department of Human Resources/Compensation and Workforce Analysis Division. (Attachment 2)
- C. To establish a new position as job-shared, the control form should be completed as it would be for any other establishment, except that the Job-Share Indicator should be "Y" (Yes). (Attachment 3)
- D. To determine possible applicant interest in job-sharing a vacant position prior to converting it to a job-share, a department may request the Department of Human Resources to insert a statement in the vacancy announcement indicating that the department will consider a job-sharing arrangement. The department may convey this information in the vacancy announcement by choosing "Other" on the Personnel Requisition under the "Proposed Method of Filling" block and completing the "If Other, please explain:" section, indicating that filling the position on a job-shared basis will be considered.
- E. Prior to appointment to a job-share position, the successful applicants shall be asked to read and sign a statement acknowledging their understanding of the conditions of the job-job-share appointment (Attachment 4). In particular, the applicant must acknowledge that, should one half of the position become vacant and the department head determine that it is in the department's best interest to discontinue the job-share status, the remaining incumbent will be required to accept full time hours, seek other part-time employment in the County, or be separated after 120 days.

Attachments

ATTACHMENT 1 – CONVERTING AN EXISTING POSITION TO JOB-SHARED

COUNTY OF FAIRFAX – POSITION CONTROL FORM												
SECTION A – AGENCY REQUEST												
AGENCY			ACTION DATE		ACTIONS		02	BUDG APPRV	07	TRANSFER		
HUMAN RESOURCES			07/10/04		09		04	EVALUATE	08	ABOLISH		
							05	RECLASS	09	DATA CHG		
POSN #	CLASS	CLASS TITLE				PLN	GRD	STEP	STA	AGNCY	ORG	PARA
07309	1221	PERSONNEL ANALYST III				S	27	0	R	1111	20000	00
LOCN	SCHD HRS	JOB SHR	SCHD WKS	INDEX	FUND	GRANT	PROJECT		DETAIL			
EJ32	40.0	N Y	52	111708	001							
HLTH	RTMT	LIFE	FICA	WCC	MED	SHIFT	WPFO	AUTH FILL	EXPIRE DATE	BRD APPRV		
Y	A	Y	1	8810	E		0.00	00/00/00	00/00/00	09/01/68		
REMARKS:												
INITIATING OFFICIAL/TITLE						AGENCY HEAD				DATE		
SECTION B – OFFICE OF MANAGEMENT AND BUDGET ACTION												
PROCESS		PROJ TYPE	FY	BASE SALARY	FRINGE	OTHER	DUAL AUTH					
_MY _TQ _CO _AN _N/A							N					
REMARKS:												
ACTION OFFICIAL/TITLE						DIRECTOR OMB				DATE		
SECTION C – PERSONNEL CLASSIFICATION ACTION												
POSN #	CLASS	CLASS TITLE				PLAN	GRD	STEP	ACT VAC	EFF DATE		
REMARKS:												
ACTION OFFICIAL/TITLE						DATE	DATA ENTERED BY				DATE	

ATTACHMENT 2 – DISCONTINUING HAVING A POSITION JOB-SHARED

COUNTY OF FAIRFAX – POSITION CONTROL FORM												
SECTION A – AGENCY REQUEST												
AGENCY			ACTION DATE		ACTIONS		02	BUDG APPRV		07	TRANSFER	
HUMAN RESOURCES			07/10/04		09		04	EVALUATE		08	ABOLISH	
							05	RECLASS		09	DATA CHG	
POSN #	CLASS	CLASS TITLE			PLN	GRD	STEP	STA	AGENCY	ORG	PARA	
07360	1803	BUSINESS ANALYST III			S	27	0	R	1111	50100	00	
LOCN	SCHD HRS	JOB SHR	SCHD WKS	INDEX	FUND	GRANT	PROJECT		DETAIL			
EJ32	40.0	Y N	52	111500	001							
HLTH	RTMT	LIFE	FICA	WCC	MED	SHIFT	WPFO	AUTH FILL	EXPIRE DATE	BRD APPRV		
Y	A	Y	1	8810	E		0.00	07/03/76	00/00/00	07/01/73		
REMARKS:												
INITIATING OFFICIAL/TITLE					AGENCY HEAD					DATE		
SECTION B – OFFICE OF MANAGEMENT AND BUDGET ACTION												
PROCESS		PROJ TYPE	FY	BASE SALARY		FRINGE	OTHER	DUAL AUTH				
__MY __TQ __CO __AN __N/A								N				
REMARKS:												
ACTION OFFICIAL/TITLE					DIRECTOR OMB					DATE		
SECTION C – PERSONNEL CLASSIFICATION ACTION												
POSN #	CLASS	CLASS TITLE			PLAN	GRD	STEP	ACT VAC	EFF DATE			
REMARKS:												
ACTION OFFICIAL/TITLE				DATE	DATA ENTERED BY				DATE			

ATTACHMENT 3- ESTABLISHING A NEW POSITION AS JOB-SHARED

COUNTY OF FAIRFAX – POSITION CONTROL FORM												
SECTION A – AGENCY REQUEST												
AGENCY			ACTION DATE		ACTIONS			02 04 05	BUDG APPRV EVALUATE RECLASS		07 08 09	TRANSFER ABOLISH DATA CHG
LIBRARY			07/10/04		01	02	03					
POSN #	CLASS	CLASS TITLE			PLN	GRD	STEP	STA	AGNCY	ORG	PARA	
44140	3436	LIBRARY AIDE			S	1	0	R	5252	00006	03	
LOCN	SCHD HRS	JOB SHR	SCHD WKS	INDEX	FUND	GRANT	PROJECT	DETAIL				
FJ38	40.0	Y	52	525121	001							
HLTH	RTMT	LIFE	FICA	WCC	MED	SHIFT	WPFO	AUTH FILL	EXPIRE DATE	BRD APPRV		
Y	A	Y	1	8810	E		0.00	00/00/00	00/00/00	00/00/00		
REMARKS:												
INITIATING OFFICIAL/TITLE					AGENCY HEAD					DATE		
SECTION B – OFFICE OF MANAGEMENT AND BUDGET ACTION												
PROCESS		PROJ TYPE	FY	BASE SALARY		FRINGE	OTHER	DUAL AUTH				
__MY __TQ __CO __AN __N/A								N				
REMARKS:												
ACTION OFFICIAL/TITLE					DIRECTOR OMB					DATE		
SECTION C – PERSONNEL CLASSIFICATION ACTION												
POSN #	CLASS	CLASS TITLE			PLAN	GRD	STEP	ACT VAC	EFF DATE			
REMARKS:												
ACTION OFFICIAL/TITLE				DATE		DATA ENTERED BY				DATE		

JOB SHARE AGREEMENT

Employee Name: _____

Social Security Number: _____

Agency Number: _____

Job-Share Position Being Appointed to:

Effective Date of Appointment: _____

I understand that my job-share appointment is subject to the following conditions:

- I will be scheduled to work 40 hours per pay period;
- I will be eligible for all County benefits. Leave benefits will be prorated based on my scheduled hours, retirement participation is mandatory, and
- I have the right to continue in this job-share position as long as both halves of the job-share position are filled. If one half of the job-share position becomes vacant and the department head determines that it is in the best interest of the department to discontinue the job-share status, I will be provided a minimum of 120 days' notice of the termination of the job-share status. Upon receipt of the notice, I will be required to accept full time hours (if interested), seek other part-time employment in the County, or be separated after 120 days.

Signature

Date

Appendix 11

Sample Memorandum Requesting Family Leave



County of Fairfax, Virginia

MEMORANDUM

DATE: May 31, 2007

TO: David L. Rohrer, Chief
Fairfax County Police Department

THRU: Captain James Smith, Commander
Pohick District Station

FROM: PFC Amy Jones
Pohick District Station

SUBJECT: Request for Family Leave

I am requesting Family Leave to begin July 4, 2007 to extend through September 25, 2007.

Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030



Appendix 12

Medical Status Report Form

Claim Number

FAIRFAX COUNTY GOVERNMENT
MEDICAL STATUS REPORT



Give to physician prior to treatment. Return completed form to your supervisor within 48 hours of treatment.

TO BE COMPLETED BY EMPLOYEE (Please Print.)

NAME: _____ OCCUPATION: _____

DATE OF INCIDENT: _____ TODAY'S DATE: _____ AGENCY: _____

PHYSICIAN/FACILITY NAME: _____ COMPLAINT: _____

HAVE YOU MISSED DAYS FROM WORK DUE TO THIS INCIDENT? YES NO HOW MANY? _____

TO BE COMPLETED BY PHYSICIAN (Please print name at the bottom of page under signature)

DIAGNOSIS: _____

TREATMENT (include medications, physical therapy, surgery): _____

REFERRED TO: _____

MEDICAL RECOMMENDATIONS / RETURN TO WORK STATUS - All Fairfax County agencies offer temporary modified duty for recovering employees. Our goal is to ensure a timely return to productive employment status as soon as medically appropriate. By working with the employee's individualized medical treatment plan, most injured workers are able to return to their pre-injury status by gradually phasing back into their regular duty job tasks.

PLEASE COMPLETE ALL APPROPRIATE SPACES

- Employee may return to full duty work immediately.
- Employee expected to return to full duty. May return to full duty work on _____ Date
- Employee may return to temporary work on _____ Date with restrictions listed below
 - Lifting restrictions. (Indicate maximum lbs. which can be handled/for how long? _____)
 - Other restrictions (sitting, standing, bending, etc: _____)
- Medication prevents employee from operating machinery/vehicle. Sedentary/office work only.
- Employee now totally disabled for work. How long do you anticipate recovery taking? _____

COMMENTS: _____

NEXT APPOINTMENT: _____ PHYSICIAN'S SIGNATURE: _____

TODAY'S DATE: _____ PHYSICIAN'S PRINTED NAME: _____

Appendix 13

FCPD SOP 04-010

Physical Fitness Training Program

TITLE: Wellness Program

SOP NUMBER: 04-010

EFFECTIVE DATE: 04-01-07

REPLACES/RESCINDS: General Order 430.5



I. PURPOSE

This Standard Operating Procedure establishes the Department's commitment to a program that assists employees in maintaining and/or improving their health and fitness levels. The Wellness Program includes an annual physical readiness assessment and provides other incentives to maintain a healthy lifestyle. The program is voluntary, whereby participants may be offered time for physical activity. This policy establishes guidelines for the administration and supervision of a wellness program that will help employees maintain and/or improve their health and fitness levels throughout their career.

II. POLICY

The Fairfax County Police Department's Wellness Program is voluntary, whereby Department employees may be permitted time on duty for physical activity, fitness/nutritional education, and other incentives for participation. Prior to participating, employees must have no known medical prohibitions and perform an annual physical readiness assessment which will be administered by a member of the Academy staff or designee. The purpose of the readiness assessment is to educate the participants about their current fitness levels. The readiness assessment evaluates five areas of physical fitness: body composition, muscular strength, muscular endurance, flexibility, and cardiovascular endurance.

Division/station commanders are responsible for the administration of the program at their respective facilities. Supervisors are responsible for deciding the feasibility of releasing on-duty officers for workouts which are secondary to workload priorities and patrol assignments. Division/station commanders may suspend an employee's privilege to participate in the program if the employee is found to be violating any rules or regulations.

III. PROCEDURES

The following procedural guidelines have been established to ensure that the Wellness Program will be administered in a standardized fashion to all the participants involved.

- A. Prior to program implementation, each division/station will designate a Division/Station Wellness Coordinator. The Division/Station Wellness Coordinator will be responsible for coordinating the stations wellness needs with the Department Wellness Coordinator who is assigned to the Criminal Justice Academy.
- B. To participate in the program all employees shall complete the required annual readiness assessment. An employee on restricted duty must adhere to existing General Orders and SOPs concerning restricted duty assignments unless an exercise/ rehabilitation program has been approved through a medical authority. Employees on restricted duty who wish to participate in the Wellness Program must be approved by the Administrative Support Bureau Commander or designee before qualifying for on-duty workouts.
- C. All participants must document their participation in the program by way of a sign-in sheet located at each facility's fitness center/room. The maintenance of such records is the key to maintaining legal validity. The assigned division/station Wellness Coordinator will be responsible for posting the sign-in sheet and ensuring compliance. The Division/Station Wellness Coordinator will retain the sign-in sheets for six months and will then dispose of them.
- D. All injuries shall be reported orally to the on-duty supervisor immediately. Documentation of injuries shall be in accordance with General Order 330, "Reporting Personal Injuries." Supervisors should ensure a thorough inquiry concerning the exact nature of activity at the time of injury. Following any injury that requires a doctor's examination, officers must submit a medical status form to their respective commander that authorizes a return to duty.
- E. The authorized activities permitted during the on-duty portion of the Wellness Program should be directed at maintaining or improving a general fitness level and job related performance. These include exercises and programs which address flexibility, strength, speed, agility, power, core strength, and anaerobic as well as aerobic conditioning. All exercises and programs should be those which if reviewed, would be considered appropriate methodologies by a strength and conditioning or fitness professional. Reasonable intent to develop attributes which would contribute to job specific tasks and performance of duties should apply when selecting how time is utilized during the participants Wellness Program.

Examples of anaerobic exercises:

- Weight training
- Jumping rope
- Agility training

Examples of aerobic exercises:

- Walking
- Jogging
- Swimming
- Stair Climbing
- Treadmill
- Cycling

Other activities as approved by the Wellness Advisory Board whose members include the Administrative Support Bureau Commander, Academy Director, Office of the Medical Director, Risk Management, Department Athletic Trainer and Department Wellness Coordinator. Team competition is not authorized unless approved by the Wellness Advisory Board.

Employees participating in the Wellness Program while on-duty are subject to recall to duty at all times. While on-duty, it is preferred that wellness begin and end at the officer's assigned work location. However, with prior approval from their first line supervisor, wellness may be conducted at another Fairfax County facility.

- F. The division/station-designated Wellness Coordinator will conduct periodic inspections of the physical training area. The station Wellness Coordinator will report any necessary repairs or replacement of worn or damaged equipment to the division/station commander. The Division/Station Wellness Coordinator will also make recommendations to the division/station commander for the acquisition of any additional equipment that would benefit the program.
- G. The scheduling of on-duty personnel shall be done by the first-line supervisor. Consideration must be given when the scheduling of workouts interferes with staffing levels. Station commanders have discretionary control in establishing the number of fitness participants if a squad/unit is at minimum staffing.

The following guidelines should be used in scheduling workouts:

1. Workout schedules are preferred at the beginning and end of the shift. This scheduling allows the participant to make maximum use of time by either reporting to work early or staying after work. The first-line supervisor can use discretion in scheduling employees during the middle of the shift depending on workload, peak times for service, and minimum staffing.
2. The on-duty portion of the Wellness Program is intended to provide a foundation for an employee to attain acceptable levels of health and fitness. It is not intended to provide the total amount of time necessary for an

individual's personal program. Ultimately, the responsibility to maintain acceptable levels of health and fitness rests with the individual.

3. Officers shall mark out using the CAD event type "WELL" when utilizing the Wellness Program.

IV. ACCREDITATION STANDARDS REFERENCE

VLEPSC

PER.

03.06

This SOP becomes effective April 1, 2007, and rescinds all previous rules and regulations pertaining to the subject.

Issued by:

Chief of Police

Acknowledgement

Major Edwin Roessler
Captain Cindy McAlister
MPO Virginia Ranck
Nancy Burke-ATC

Date Revised: August 27, 2008