

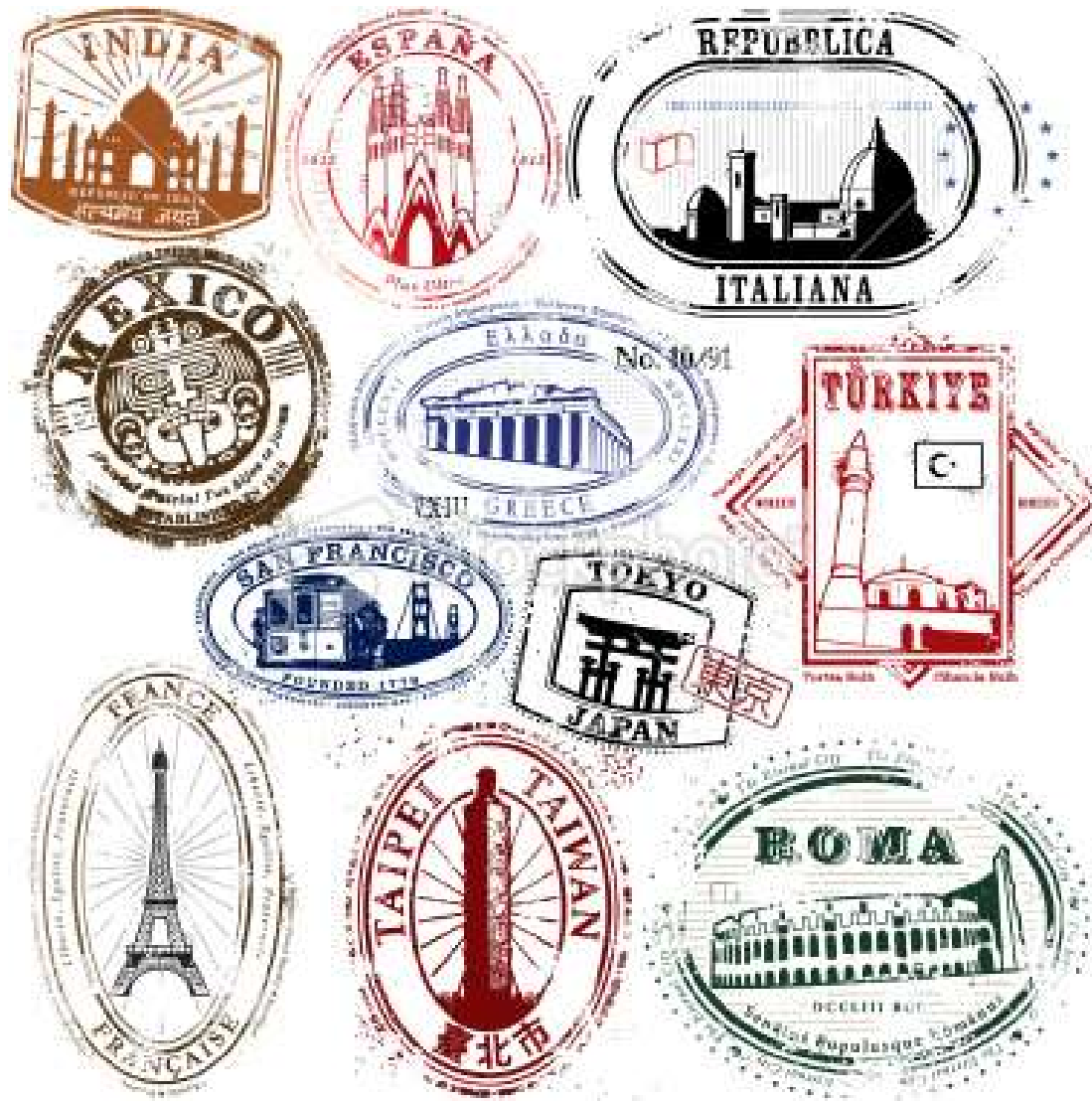


Leave Training

DAS-Employee Relations



Vacation Leave



Vacation Leave

- Accrual rate differs between the NAPE and FOP Labor Contracts and “Rules”
- Leave should be applied for in advance when possible and used throughout the year
- Forfeiture provisions for leave in excess of 35 days (280 hours) at the end of the calendar year
- Provisions for payment of forfeited leave if a reasonable request to use was made and denied

Sick Leave



Sick Leave

When can it be used?

- When an employee is unable to perform his/her duties
- When an employee's presence at work jeopardizes the health of others by exposing them to a contagious disease
- When the illness of an immediate family member requires the employee's presence
 - The immediate family shall be considered as:
 - Spouse, children, parents
 - Others bearing the same relationship to the employee's spouse
 - Any other individual for whom the employee is the legal guardian

Sick Leave

Cannot be used for:

- To go to the doctor with a mentally and physically competent adult child
- To care for sick grandchildren
- For cosmetic procedures that are not medically necessary or needed to correct an injury

Sick Leave

- Substantiating evidence can be required:
 - When the reason for sick leave use is a medical or dental appointment
 - When the Agency Head suspects sick leave abuse
 - When the sick leave absence exceeds three consecutive workdays
- Potential abuse:
 - Frequent use and no chronic condition
 - Pattern of use on Monday and/or Friday or next to holidays

Holidays

State Holidays

Holiday	When celebrated
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Arbor Day	Last Friday in April
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Day	December 25

Holidays

- There are 12 holidays per year for Rules, NAPE and FOP
 - New Year's Day, Martin Luther King Jr. Day, President's Day, Arbor Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day
 - In addition, any other day the President or Governor declares to be a holiday
- There are 11 holidays for NAPE "E" unit and SLEBC
 - Columbus Day is not included
- Holidays are 8 hours for full-time employees, even if they normally work a longer workday

Civil Leave



Vote

Civil Leave

- **Jury Duty**

- If an employee is called to serve as a juror
 - The employee will return to work when not actually serving as a juror on a daily basis

- **Election Board Duty**

- If an employee is appointed as a clerk, judge, or election inspector on an election or counting board

- **Voting Time**

- All employees shall be allowed up to two paid hours for the purpose of voting provided the employee does not have sufficient time before or after regular duty hours to vote

- **Court Appearances**

- Time spent by employees appearing in court as a function of their current or previous positions in State government shall be considered as hours worked

- **Disaster Relief Leave**

- To participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the request of the American Red Cross
 - Not to exceed 15 working days in each calendar year

Leave of Absence



Leave of Absence

- Agency Head or Designee may grant employees an unpaid leave of absence not to exceed one year
 - Can be extended under unusual circumstances.
- Medical leaves of absence limited to six weeks, unless approved by a physician
- Approval is in writing and details the conditions in effect at the end of the leave
- Vacation leave is not required to be exhausted

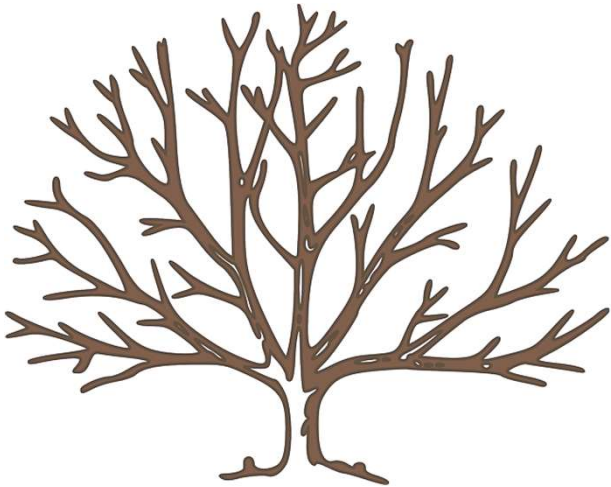
Military Leave



Military Leave

- Limited to 120 hours per year
- Leave can't be accumulated from year to year
- Where practicable, the Agency shall allow the employee to flex his/her work schedule to accommodate Unit Training Assembly (drill) schedules
- Other provisions in State or Federal statutes dealing with other circumstances

Catastrophic Illness Donation



Why do trees apply for
Catastrophic Illness Donation in
the winter?

Because all their Leaves
are gone

Catastrophic Illness Donation

- Contributions must come from the same Agency employing the recipient
- Leave is transferred on an as needed basis
- Non-grievable

Catastrophic Illness Donation

Recipient Eligibility

- Must be suffering a serious illness or injury resulting in a prolonged absence of at least 30 work days during the past six months
- Must produce satisfactory medical verification
- Must have completed original probation
- Must have exhausted all earned paid leave time including compensatory time off, sick leave and vacation leave
- Must not have offered anything of value in exchange for the donation
- No more than 1200 hours of donated leave may be received during a 12 month period

Catastrophic Illness Donation

Donor Eligibility

- Only 4-hour increments of vacation/compensatory leave may be donated
- Must not have solicited nor accepted anything of value in exchange for the donation
- Must have at least 40 hours of accrued vacation leave remaining to his/her credit if donating vacation leave

Injury Leave



*What do you give an
injured citrus tree?*

Lemon Aid

Injury Leave

- NAPE “E” Bargaining Unit employees do not receive injury leave
- Other NAPE and FOP Bargaining unit employees disabled by a work related injury, deemed compensable by Worker’s Compensation, may be granted injury leave not to exceed five of the employee’s normal working shifts for a particular injury
- For Rules covered employees, the injury does not need to be deemed compensable
- Temporary employees are covered
- The State health insurance premium contribution continues while the employee is on Worker’s Compensation
- Worker’s Compensation can be supplemented by other paid leaves, but cannot result in a payment greater than the employee’s normal wage

Bereavement/Funeral Leave



Bereavement/ Funeral Leave

- An employee may be granted up to five days of bereavement leave (NAPE and FOP)/funeral leave (Rules) upon request, for a death in the immediate family such as:
 - Spouse, father, mother, grandfather, grandmother, sister, brother, child, grandchild
 - Step persons being the same relationship are included
 - Spouse of any of these
 - Someone who bears a similar relationship to the spouse of the employee
 - Any individual for whom the employee is the legal guardian
- The Agency Head or Designee has the authority to expand the definition of immediate family
- The leave is to be consistently applied

Family and Medical Leave

Family and Medical Leave Request Form (Family and Medical Leave Act)



Employee Name: _____

Agency: _____

1. I have at least twelve months service with the State of Nebraska. **YES** **NO**
Note: Service may be with more than one Agency -- service need not be continuous.
2. I have been paid for at least 1,250 hours of work by the State of Nebraska in the past twelve months. (Does not include leave hours) **YES** **NO**

Go forward only if all previous Questions have been answered YES and you have not used more than twelve weeks of FMLA Leave in the past twelve months.

3. Reason for FMLA Leave:

Family and Medical Leave Eligibility

- Worked for the Employer for 12 months
- Worked 1250 Hours in the last year
 - Work for another State Agency counts
 - Time worked in the last seven years also counts

Family and Medical Leave

Applying

- Fill out the Request Form
- Provide a form if you believe the employee may be eligible
- Health Care Provider Certification Form must be filled out and returned to employer
- Employer may obtain a second opinion

Family and Medical Leave

What can it be used for?

- Employee's own serious health condition
- Serious health condition of a spouse, a parent, or a child under 18 years of age (age limit doesn't apply if child is disabled)
- Qualifying exigency when a spouse, son, daughter, or parent is on active duty, or impending call in the Armed forces in support of a contingency operation
- Care of a covered service member by a spouse, son, daughter, parent or next of kin for a total of up to 26 weeks
- Entitled to up to 12 weeks of unpaid FMLA. Employee can use paid leave they are eligible to take as part of the 12 weeks
- State continues to pay its share of health insurance premium if the employee is expected to return for at least 30 days at the end of the FMLA leave
- Can be used intermittently, except for birth/adoption/foster placement of a child

Adoption Leave



Adoption Leave

- State statute provides that adoptive parents receive the same leave as biological parents
 - This is normally six weeks for the mother
 - And two days for the father
 - The day of birth and the day the child comes home
- Additional unpaid leave is available through the Family and Medical Leave Act.

Maternity Leave Donation Program



Maternity Leave Donation Program

Eligibility of Recipient

- Expectant mother
- Adoptive mothers may be entitled to use the MLD in certain situations
- Exhausted own sick leave
- Have approved FMLA
- Not offered anything of value in exchange for the donation

Maternity Leave Donation Program

Request

- Written request for MLD to the agency/facility Human Resources Office

Contributions

- Employees from same Agency as employee making request may donate vacation and earned compensatory time in 4-hour increments
- Donation converted to hours based on recipient's salary
- No more than 480 hours of MLD may be received

Maternity Leave Donation Program

Eligibility of Donor

- Only increments of 4-hours may be donated
- Have not solicited or accepted anything of value in exchange for the donation
- Have at least 40 hours of vacation leave remaining
- Earned compensatory time may be donated completely

Leave for Part-Time Employees



What is a brief definition of an acorn?

It's an oak tree, in a nutshell.

Leave for Part-Time Employees

- Employees working part-time earn leave on a pro-rated basis

Advancement of Leaf



Advancement of Leave

- Agency heads have the discretion to advance vacation and sick leave to employees in an amount not to exceed a total of 80 hours (prorated for part-time employees)
- Employees are required to reimburse the State for all used, unearned vacation/sick leave upon separation or transfer
- We recommend in most cases that agencies not advance leave
 - If the employee does not pay it back and leaves employment, the only way to collect it is to obtain a judgment against the employee

Case Studies





Scenario 1

- Sarah's adult daughter and the daughter's minor child live with Sarah. The child is ill, and Sarah's daughter's place of employment doesn't provide paid sick leave for staying home with a sick child. Sarah is a State employee and argues that she should be granted paid sick leave to stay home with the sick child as the child is part of her "immediate family."
- Is Sarah eligible for paid sick leave for this purpose?
- What factors would you take into consideration?



Scenario 2

- Ann's grandfather died on a Wednesday evening. The funeral was on Friday afternoon 30 miles away. Ann's weekend days off are Thursday and Friday. Ann didn't have any responsibilities in arranging the service, didn't have any responsibilities in dealing with out of town relatives and has no responsibilities in regard to the estate. She was not particularly close to the grandfather. Ann is a NAPE/FOP Contract covered employee and has requested five days of bereavement leave starting on Saturday.
- Is she eligible for leave and if so for how much?



Scenario 3

- Alan's mother lives in Kentucky and is 90 years old. The mother's physician has indicated that it is not safe for her to continue living at home and that she needs to enter a skilled nursing facility. Alan has requested two weeks of sick leave to go to Kentucky to help select a facility, to disburse her household effects and to put her house up for sale.
- Should Alan be granted sick leave, and if so how much?



Scenario 4

- Kenneth has applied for FMLA for his own serious health condition, a heart attack. His physician has certified that recovery will take at least 12 weeks. Kenneth would like to take 12 weeks of FMLA. Within the past 12 months he took 20 weeks of FMLA to care for his cousin who was seriously injured in the line of military duty overseas. Kenneth was the next of kin.
- Is he eligible for FMLA and if so for how many weeks?

Questions?

Contact DAS-Employee Relations

- (402) 471-4106
- (402) 471-8292

<http://das.nebraska.gov/emprel/>