

**MOTION:**

**SECOND:**

**RE:               APPROVE THE AMENDED POTOMAC AND RAPPAHANNOCK TRANSPORTATION  
COMMISSION LEAVE POLICY**

**ACTION:**

**WHEREAS**, President Abraham Lincoln first issued the Emancipation Proclamation effective January 1, 1863, freeing the slaves in the South. However, southern slave owners ignored that order. On June 19th, 1865, Union soldiers arrived in Galveston, Texas and enforced the president's order, freeing the slaves two and a half years after it was first decreed. This day has since come to be known as Juneteenth; and

**WHEREAS**, Juneteenth is nationally recognized as the oldest known celebration of the ending of slavery, known in many places as "Juneteenth Independence Day"; and

**WHEREAS**, the Potomac and Rappahannock Transportation Commission and the Virginia Railway Express management feels Juneteenth is significant and should be recognized as a holiday; and

**WHEREAS**, the Leave Policy, Chapter XV of PRTC's Personnel Policy, will be amended to include June 19 (Juneteenth) as a holiday.

**NOW, THEREFORE BE IT RESOLVED** that the Potomac and Rappahannock Transportation Commission does hereby approve the amended Leave Policy to include June 19<sup>th</sup> as a holiday for PRTC OmniRide and VRE employees.

**Votes:**

**Ayes:**

**Nays:**

**Abstain:**

**Absent from Vote:**

**Alternate Present Not Voting:**

**Absent from Meeting:**

## XV. LEAVE

### PURPOSE:

To establish the use and definition of various types of leave authorized by PRTC or VRE.

### POLICY:

Regular attendance and the ability to work assigned schedules are essential job functions for all PRTC/VRE personnel. Leave is any authorized absence during regularly scheduled work hours that has been approved by the proper authority. Leave may be authorized with or without pay. Absence without previously approved leave is considered unauthorized leave.

#### I. Leave Policy

- A. For all leave, with the exception of official holiday, sick, administrative leave, or liberal leave, an employee is required to submit a signed leave form indicating the type of leave, duration and dates of departure and return except as otherwise stated in this policy. The leave must be approved prior to the taking of the leave. In the case of sick leave or liberal leave, the leave form shall be completed and submitted for approval immediately upon the employee's return to duty.
- B. An *employee* who is absent from duty without approval shall receive no pay for the duration of the absence and shall be subject to *disciplinary action* which may include termination.
- C. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given each case by the *employee's* Department Director.
- D. Failure of an *employee* to report for work at the expiration of an authorized leave or the expiration of any extension of such leave shall be considered as absence without leave.
- E. Leave benefits in this policy are based on a standard 75 hour bi-weekly work schedule.
- F. Leave will be earned by *full-time regular employees* beginning from the date of *appointment* to the *full-time regular* position. Full-time service credit will be given for *part-time regular* service on a pro-rated basis.
- G. Leave debited shall not exceed the total amount credited to an *employee* at the time of absence. No leave shall be advanced to any *employee*. Leave without pay may be granted for leave extending beyond the earned credit. *Employees* may use annual leave or *compensatory leave* for sick when sick leave is exhausted.
- H. The amount of leave to be debited shall be computed on the basis of the exact number of hours that an *employee* is scheduled to work, in no less than one-half hour units, using a standard bi-weekly work schedule of 75 hours.

- I. Any leave credits held by a *full-time* or *part-time regular employee* in the competitive service at the time of *promotion* or *transfer* from one department to another (or between PRTC and VRE) shall be transferred.
- J. The PRTC Finance Department shall be responsible for the maintenance of accurate leave records.
- K. Accrued but unexpended sick or annual leave credits shall not be deemed a vested property interest until the *employee* has satisfactorily separated from PRTC or VRE on either a voluntary or involuntary basis. Payment for unused annual leave and compensatory leave when separation is for cause (e.g. unsatisfactory performance) shall be at the discretion of the *employee's* Department Director in accordance with this policy (See Sections III, IV of Leave Policy and *Separations* and Adverse Actions).

## II. Types of Leave

- A. Annual Leave (Section III)
- B. Sick Leave (Section IV)
- C. Worker's Compensation (Section VI)
- D. Military Leave (Section VII)
- E. Civil Leave (Section VIII)
- F. Leave Without Pay (Section IX)
- G. Holiday Leave (Section X)
- H. Administrative Leave (Section XI)
- I. Unscheduled Leave (Section XII and Section XIII)
- J. Bereavement Leave (Section XIV)

## III. Annual Leave

- A. Annual leave shall be credited to all *full-time regular employees* as follows based on a standard bi-weekly work schedule of 75 hours:
  - 1. Less than 3 years service - 4 hours per biweekly payroll period;
  - 2. Three (3) years but less than 6 years service - 5 hours per biweekly payroll period;
  - 3. Six (6) years but less than 9 years service - 6 hours per biweekly payroll period;
  - 4. Nine (9) years but less than 12 years service - 7 hours per biweekly payroll period; and
  - 5. Twelve (12) years or more of service - 8 hours per biweekly payroll period.

- B. Annual leave shall be credited to *part-time regular employees* who work 15 hours or more per week as follows:
1. Less than 3 years service – 2 hours per biweekly payroll period;
  2. Three (3) years but less than 6 years service – 2.5 hours per biweekly payroll period;
  3. Six (6) years but less than 9 years service – 3 hours per biweekly payroll period;
  4. Nine (9) years but less than 12 years service – 3.5 hours per biweekly payroll period; and
  5. Twelve (12) years or more service – 4 hours per biweekly payroll period.
- C. During the year, careful consideration shall be given to the desire and needs of the *employee* in the granting of annual leave. Department Directors or designees shall grant leave in accordance with these policies on the basis of the work requirements in the department, and whenever possible, the personal wishes of the *employee*.
- D. *Employees* with less than ten years service may carry forward from one calendar year to the next no more than 225 hours. *Employees* with ten years or more of service may carry forward no more than 300 hours. Annual leave that is in excess of these limits and exists at the end of the pay period that includes December 31 of each year shall be credited to the *employee's* sick leave balance. The maximum excess annual leave converted cannot exceed 135 hours annually. The Executive Director and the Chief Executive Officer have the authority to approve a carryover or payment of excess leave on an exception basis, with payment subject to the determination that the expenditure can be covered by the existing budget.
- E. Upon voluntary *separation*, an *employee* shall be paid for the unused portion of accrued annual leave to a maximum of 225 hours with less than ten years service and 300 hours with ten (or more) years service, except as modified by the rules governing resignation without sufficient notice (See Policy entitled Separations and Adverse Actions). A request may be considered for payment in excess of these limits in the case of the *employee's* death. The Executive Director and the Chief Executive Officer also have the authority to approve a payment of excess leave on an exception basis, with payment subject to the determination that the expenditure can be covered by the existing budget.

#### IV. Sick Leave

- A. Sick leave is paid leave that may be granted to each eligible *employee* who through illness, temporary disability relating to pregnancy, childbirth or related medical conditions, or non-work or work related injury becomes incapacitated to a degree that makes it impossible for the *employee* to perform the duties of their position or who is quarantined by a medical provider because of exposure to a contagious disease. Sick leave may also be granted to an eligible *employee* for medical, dental, or optical diagnosis or treatment.

PRTC or VRE may elect to temporarily fill the *employee's* position during the absence of the *employee* while on sick leave. The *employee* shall be returned to the position, if able, at the conclusion of paid leave.

- B. Sick leave benefits shall be granted for necessary care and attendance or death of a family member of the *employee's* immediate family which shall include the husband, wife, children, mother, father, sister, brother, in-laws, grandparents, grandchildren, great-grandparents, great-grandchildren, and other persons at the discretion of the Executive Director or Chief Executive Officer.
- C. *Employees* who have prior knowledge that they may have to use sick leave shall make application in advance of its use. Advanced approval is necessary for such situations as childbirth, operation, special medical, dental, optical, or similar treatment.
- D. *Employees* who are not able to report to work because of illness, injury or quarantine for which there was no prior knowledge shall notify their Department Director or designee prior to the normal reporting time on the first day of absence and at such other times following the first day of absence as may be required by the *employee's* Department Director. The employee may have someone else call on his/her behalf only in the event that the employee is unable to make the call himself/herself.

*Employees* may be disallowed the use of sick leave or may be subject to *disciplinary action* if they fail to notify their supervisor that they are unable to report to work because of illness, injury, temporary disability, or quarantine within the time limits prescribed.

- E. *Employees* using three or more consecutive *work days* of sick leave may be required by the Department Director to submit a certificate by a medical provider confirming the *employee's* or family member's (as defined above in Sub-section B) illness, injury, temporary disability, or quarantine and inability to report for work or to perform part or all of the *duties* and responsibilities of the position. If such a certificate is required, failure to present will preclude the use of the *employee's* sick leave.

The Department Director may also require an *employee* to submit a medical provider's certificate for illness, injury, temporary disability, quarantine or special medical treatment if it appears that sick leave usage is excessive or questionable. In such cases the *employee* may be required to take a medical examination at the expense of PRTC or VRE.

- F. A Department Director may investigate all alleged illnesses of any *employee* absent on sick leave if the Department Director believes the *employee* is falsely or fraudulently using sick leave.
- G. Sick leave will be credited to *full-time regular employees* at 4 hours per bi-weekly payroll. Two (2) hours of sick leave per biweekly payroll period will be credited to *regular part-time employees* who work at least 15 hours or more per week.
- H. There is no maximum of sick leave which may be accumulated by an *employee*.
- I. Excess annual leave beyond the limits set forth in Section III-D will be converted to sick leave credits.

- J. Conversion of sick leave to annual leave is not permitted.
  - K. If an employee exhausts all credited leave due to certain family and medical reasons which would qualify as such under the Family Medical Leave Act, the employee may ask his/her Department Director to solicit sick leave, annual leave and/or compensatory leave donations from staff on his/her behalf. The decision to solicit leave donations rests solely with the Department Director, not the affected employee. Unsolicited leave donations will not be accepted. Leave donations will be a dollar transfer rather than an hour transfer. A calculation will be done based on the number of hours to be donated and the hourly rate of both *employees*.
  - L. Upon *separation*, sick leave credits will be paid at the current hourly rate for 25% of any sick leave credits in excess of 450 hours. To qualify, an *employee* must retire or resign in good status or otherwise separate involuntarily under satisfactory status after a minimum of five years of service and possess sick leave credits in excess of the hours listed above.
  - M. *Full-time or part-time regular employees* who separate from PRTC or VRE and return to employment within one year from the date of *separation* shall have their former unused and unpaid sick leave credits reinstated.
- V. Family and Medical Leave
- A. *Employees* are provided up to 12 weeks of paid or unpaid leave during a 12-month period for an *employee's* serious illness, birth, adoption, or foster care placement of a child, or caring for a sick spouse, child or parent. Leave for birth, adoption, or foster care should be taken within one year of the birth or placement of the child.
  - B. Sick leave, annual leave, accrued comp time and leave without pay to the extent necessary may be granted. All sick, annual, compensatory leave, and any donated leave taken under FMLA must be expended first before unpaid leave is taken. This paid leave will be counted against the twelve week entitlement. Application for the leave required for such absence shall be made by the *employee* prior to taking such leave.
  - C. Credit toward annual and sick leave shall not be earned during leave without pay.
  - D. To be eligible, an *employee* must be employed by PRTC or VRE for at least 12 months and have worked at least 1,250 hours in a 12-month period preceding the leave request.
  - E. Leave as defined in this section of the policy may be taken intermittently in weekly, daily or hourly increments. PRTC or VRE and the *employee* must agree on these variations if the *employee* is taking leave for the birth, adoption or foster care of a child. However, for leave relating to a serious health condition, the *employee* may take intermittent leave or work a reduced schedule so long as it is deemed medically necessary for continuing treatment or medical appointments relating directly to the serious health condition or as otherwise indicated by the employee's physician.
  - F. When an *employee* plans to take leave under this policy, the *employee* is required to give a 30-day notice or, if this is not possible, as much notice as practicable. Certification of medical necessity is required. The appropriate paperwork can be obtained from the Manager of Personnel Administration. The *employee* will be given

at least 15 calendar days to comply with the request. PRTC or VRE reserves its right under provisions of the statute to obtain a second opinion from a provider who is not employed or contracted regularly by PRTC or VRE. A third certification can break a tie.

- G. Temporary *transfer* to less strenuous or hazardous jobs to accommodate an *employee's* illness, injury, or temporary disability may be granted if requested by the *employee* and when positions are available. Medical statements from the attending medical provider will be required to determine if such accommodations are reasonably necessary.
- H. If an *employee* requests intermittent leave, the Department Director may require the *employee* to transfer temporarily to an available position which better accommodates recurring leave periods.
- I. When *employees* return to work, they will be reinstated to their former position vacated before going on family and medical leave. If the purpose of the leave is the *employee's* illness, the *employee* must provide a written letter from a medical provider granting permission to return to work.
- J. The *employee* remains eligible to receive benefits under PRTC/VRE's group health plans providing the *employee* pays his/her share of the premium.

## VI. Worker's Compensation

- A. An *employee* who incurs an occupational illness or injury which has been accepted by PRTC or VRE as compensable, or has been determined to be compensable by the Workers Compensation Commission, may be allowed injury leave with pay, not to exceed twelve consecutive calendar months from the date of the initial illness or injury. Injury leave is designed to provide *employees* with a maximum of 12 months of *compensation* which when combined with workers' compensation payments ensures that the *employee* will receive no reduction in his/her annual salary. All leave granted under the provisions of this policy shall be requested by the *employee* and recorded on the *employee's* leave sheet and shall not be charged to any other type of leave.
- B. After *employees* exhaust all available injury leave, as well as their own sick, compensatory, and annual leave, if they are still unable to return to work, they may be separated from PRTC or VRE. At that time, *employees* who have compensable claims will be eligible to continue to receive their workers' compensation payments in accordance with their award from the Virginia Workers Compensation Commission.
- C. If an *employee* has not exhausted the twelve consecutive calendar months of injury leave and he/she is still under a physician's care, he/she may apply for additional injury leave benefits not to exceed a total of twelve months (260 days). The *employee* will need to demonstrate medical necessity to the Executive Director or the Chief Executive Officer, Finance Director and his/her Department Director, and the granting of such additional leave shall be at the discretion of the Executive Director or the Chief Executive Officer.

## VII. Military Leave

- A. Any full-time regular *employee* who leaves PRTC or VRE to join or serve on extended active duty with the uniformed services of the United States during time of war or other national emergency, as determined by the Commission, or is drafted into the military service for extended active duty purposes, shall be placed on military leave without pay. Such military leave without pay shall extend through a date that is fourteen (14) days after the *employee* is relieved from such active duty military service that is more than thirty (30) days but less than 181 days; or shall extend through a date that is ninety (90) days after the *employee* is relieved of such active duty military service that is more than 180 days. *Employees* shall be entitled to be restored to the position vacated, provided: they make application to the Finance Department within fourteen (14) days, if the military service was more than thirty (30) days but less than 181 days, or within ninety (90) days if the military service was for more than 180 days of their honorable discharge or release from the active duty under honorable conditions; and the employee on such leave is physically and mentally capable of performing the work of his/her position. Any *employee* who is on military leave under this provision in excess of five (5) years cumulatively shall not be entitled to re-employment, unless an exemption contained in 38 USC 4312(c) is applicable.
- B. In the event the position vacated by an *employee* entering or serving on extended active duty in the uniformed services of the United States on military leave without pay no longer exists at the time they are qualified to return to work, the *employee* shall be entitled to re-employment in another position of the same *classification*, provided such re-employment does not necessitate the laying off of another *employee* who was appointed at an earlier date than the *employee* returning from military leave without pay.
- C. *Full-time regular employees* who leave the competitive service directly for such military leave without pay may elect to be paid for any accrued annual leave, sick leave (paid in accordance with section IV-L of this policy), or *compensatory leave* due as of the date of departing on such military leave without pay. If the *employee* elects not to be paid for such leave, the unused or unpaid leave credits shall be reinstated upon return of the *employee*. Any *employee* on military leave without pay shall not be entitled to accrue or earn sick leave or annual leave while in the status of military leave without pay, the same as is in the case with other employees granted leave without pay as described in Section X-B of this policy. However, upon return from active military duty, all annual and sick leave shall be reinstated retroactively to the date of active duty.
- D. *Employees* who are members of the National Guard or an organized military reserve of the uniformed services of the United States and who are ordered to active duty or training duty are entitled to a military leave of absence with pay not to exceed fifteen (15) work days during the twelve (12) month period, October 1 through September 30, as provided for in Virginia Code Section 44-93. During absence under this subsection for military leave with pay, the *employee* shall be entitled to earn credit toward sick leave and annual leave. The Executive Director or the Chief Executive Officer may seek the Board(s) approval to make an exception to this provision and allow more discretion in extending the leave of absence with pay and/or in soliciting leave donations for the affected employee.
- E. *Employees* who are members of the National Guard or an organized military reserve of the uniformed services of the United States shall be considered to be on military



leave without pay when performing reserve drills or training that is in excess of fifteen (15) work days of military leave with pay described in paragraph D of this section. Such *employees* shall not be charged with annual leave, sick leave, or *compensatory* leave when absent for attending such reserve drills or training, unless the *employee* so elects. For reserve drills or training of less than 31 days, the *employee* shall report for work not later than the beginning of the first regularly scheduled work period on the first full calendar day following the completion of the reserve drill or training and the expiration of eight (8) hours after a period of time allowing for the safe transportation of the *employee* from the place of the reserve drill or training to the *employee's* residence.

- F. *Employees* shall provide notice to their immediate supervisors of their need to go on military leave as far in advance of taking military leave as is possible under the circumstances. If military orders are available prior to the *employee's* departure for military leave, a copy shall be provided to the *employee's* immediate supervisor. If military orders are not available in advance of the military leave, the *employee* shall provide his immediate supervisor with oral notice as soon as the date of the military leave is known to the *employee*. A copy of the orders or other documentation shall be provided to the immediate supervisor as soon after the *employee* returns from military leave as the orders or documentation are available. The following requirements more fully describe the procedures in connection with specific circumstances involved with notification and documentation pertaining to military leave:
1. In those situations where the employee is a member of the National Guard or an organized reserve of the uniformed services of the United States, the employee shall provide a copy of the orders assigning the employee to the National Guard or reserve unit to the employee's immediate supervisor. If orders are not available, a letter from the commanding officer or other authorized representative of the National Guard or reserve unit will be sufficient. If a quarterly, semiannual or annual schedule of National Guard or reserve unit drill dates is available, a copy shall be provided to the employee's immediate supervisor when it becomes available. In the absence of a drill schedule, the employee shall orally notify his immediate supervisor as far in advance as possible of the dates the employee will be attending National Guard or reserve drills. This is particularly important for employees working weekend shifts. Absences to attendance at National Guard or reserve drills for members of the National Guard or organized reserve of the uniformed services of the United States shall not result in loss of annual leave, sick leave or compensatory leave, unless the employee so elects.
  2. When employees who are members of the National Guard or an organized reserve of the uniformed services of the United States attend active duty or training duty on military leave with pay for up to fifteen (15) work days in accordance with subparagraph D heretofore, they shall provide a copy of military orders to their immediate supervisor prior to departure if available. If orders are not available prior to departure, the employee shall provide the immediate supervisor with oral notice of the dates of the military leave as far in advance of the departure date as possible. The employee shall provide the immediate supervisor a copy of the orders or other documentation of the military leave as soon after returning as possible. A letter from the commanding officer or other authorized representative of the uniformed service confirming the dates of military duty will be sufficient.

This documentation is required in order to permit the employee to be paid for the military leave, if no documentation of the dates of the military leave with pay is provided within ninety (90) days of the completion of the military leave, the employee's records will be revised to reflect the leave was military leave without pay. The employee may elect to use any accrued annual leave in lieu of having the absence be without pay. If the employee subsequently provides the necessary documentation of military leave of up to fifteen (15) work days, the employee's records will be corrected to show the employee's leave was military leave with pay, or any charged annual leave will be restored.

3. When employees go on military leave without pay for extended active duty with a uniformed service of the United States, they shall provide a copy of military orders to their immediate supervisor prior to departure, if available. If orders are not available, the employee shall provide oral notice to the immediate supervisor as far as possible in advance of the date of departure on military leave without pay. When an employee applies for reemployment at the conclusion of military leave without pay for extended active duty, documentation shall be provided to establish that (a) the employee's application is timely, (b) the employee has not exceeded the service limitations set for in 38 USC 4312(c), and (c) the employee's entitlement to re-employment has not been terminated pursuant to 38 USC 4304. This documentation shall be provided at the time the employee applies for re-employment, the documentation is available, or as soon thereafter as it becomes available.

- G. For the purposes of this section, "extended active duty" shall be construed to mean active duty under military orders of a uniformed service of the United States that exceeds thirty (30) day of active duty service.
- H. There shall be no loss of seniority rights of employees while on military leave for service in the uniformed services of the United States. All merit salary increases and market adjustments scheduled to occur or occurred while on active military duty shall be granted upon return to PRTC/VRE service. Merit salary increases scheduled to occur while on active military duty will be granted at the salary level of the previous year of PRTC service.
- I. PRTC or VRE shall not be required to re-employ any person if any of the undue hardship, change of circumstances or other provision of 38 USC 4312(d)(1) are applicable.

#### VIII. Civil Leave

*All full-time regular and part-time regular employees (15 hours or more per week) who are called by the Court for jury duty or as a witness in a PRTC/VRE work related incident shall be paid their regular salary or the hours that they would normally work on the particular day that the civil leave is taken plus any payments made by the Court as provided for in Virginia Code Section 14.1-195.1. A copy of the court summons or subpoena must be submitted to the employee's Department Director by the employee.*

## IX. Leave Without Pay

A Department Director may grant a *full-time regular employee* leave without pay for a period not to exceed ninety consecutive calendar days. All requests shall be subject to the following:

- A. Leave without pay shall be granted only when it is in the best interest of PRTC or VRE to do so or in accordance with the Family and Medical Act;
- B. Credit toward annual leave and sick leave shall not be earned during leave without pay;
- C. A leave without pay shall not constitute a *break in service* but changes the *merit pay increase* date by the number of days in excess of thirty consecutive calendar days if the *employee* is absent more than thirty consecutive calendar days;
- D. Failure on the part of the *employee* to report promptly at the expiration of leave without pay may be cause for *dismissal*;
- E. Department Directors shall not approve requests for leave in excess of ninety consecutive days. This includes any request for leave with pay or leave without pay, when the combined total period of leave days exceed 90 consecutive days. Requests for leave in excess of ninety consecutive days must be approved by the Executive Director. A leave without pay shall not constitute a *break in service* but changes the *merit pay increase date* by the number of days in excess of thirty consecutive calendar days if the *employee* is absent more than thirty consecutive calendar days.

## X. Holiday Leave

- A. The following holidays are generally observed by PRTC and VRE as official holidays:

New Year's Day	January 1
*Martin Luther King, Jr. Day	3rd Monday in January
*Washington's Birthday/ Presidents Day	3rd Monday in February
Memorial Day	Last Monday in May
* <b>Juneteenth</b>	<b>June 19</b>
Independence Day	July 4
Labor Day	1st Monday in September
*Columbus Day/Indigenous Peoples' Day	2nd Monday in October
*Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
*Thanksgiving Friday	4th Friday in November
*Christmas Eve	December 24
Christmas Day	December 25

Those holidays marked with an asterisk (\*) are considered "floating" holidays. PRTC and VRE operate bus and rail services on those days and management reserves the right to require an

*employee* to work these service days. If an *employee* is required to work on one of these “floating” holidays, the *employee* will be compensated according to Section D2 listed below.

- B. Special holidays may be designated by action of the Commission, Executive Director or the Chief Executive Officer as an official holiday or non-work day.
- C. It shall be the policy of PRTC and VRE to insure that all *full-time regular employees* enjoy the same number holidays each year, regardless of the provisions of the section on granting holiday leave. The standard shall be the number of holidays in a particular year which will be celebrated by *employees* working a normal *work-week* Monday through Friday. The working schedules of *full-time regular employees* on a *work-week* of other than Monday through Friday shall be arranged so that these *employees* celebrate no more or fewer holidays than the standard for the year.
- D. The granting of holidays observed by the PRTC and VRE shall be subject to the following provisions unless specifically designated to the contrary:
  - 1. Holiday on Weekend. Generally when a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

In the event that Christmas Eve and Christmas Day falls on a Sunday and a Monday, or a Friday and a Saturday, the two holidays will be observed on Monday and Tuesday, or Thursday and Friday, respectively.

- 2. Holiday on mandatory *work-day*. *Employees* who are required to work on a holiday shall be granted either compensatory time off, be paid for the time worked, or with the approval of his/her supervisor, be granted another day off in lieu of the holiday worked.
- 3. Holiday on scheduled day off. Within the policy established in this section on holiday leave, whenever one of the designated holidays falls on an *employee's* scheduled day off, an additional compensatory day shall be granted. (Applies only to *employees* who normally work on Saturday or Sunday).
- 4. Holidays for *part-time employees*. *Regular part-time employees* who work at least 15 hours or more per week shall be entitled to two paid for holidays per year. The two paid holidays will be Thanksgiving Day and Christmas Day.
- 5. Holidays during paid leave. A holiday falling within a period of paid leave shall not be counted as a *work-day* in computing leave charged to any *employee*. However, when an *employee* is absent on a holiday for which he is scheduled to work, time shall be deducted from his sick leave, annual leave, *compensatory leave* or be charged to leave without pay.
- 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.
- 7. *Appointment* or *separation* on holiday. The *appointment* or *separation* of an *employee* shall not be effected on a holiday except when the *employee* works that day.

## XI. Administrative Leave

- A. Administrative leave shall be such other paid leave as authorized by a Department Director, or his designee, subject to the prior approval by the Executive Director, Chief Executive Officer or his designee. Administrative leave may be approved for an initial seven calendar day period. Approval must be obtained for extending the administrative leave prior to each seven calendar day extension of administrative leave. Any paid leave specifically authorized by the Commission not otherwise classified by these rules shall be classified as administrative leave.
- B. Illustrative examples of administrative leave include breakdowns of equipment making it impossible to do assigned tasks or *suspension* of an *employee* due to investigation of a complaint.
- C. Up to two (2) hours per day of administrative leave may be granted for Employee Assistance Program (EAP) - (limited number of visits per year per EAP contract) providing the employee's Department Director is notified in advance.
- D. Special time off with pay may be granted for *employee* interviews, written examinations, and physical examinations when an *employee* is applying for another position within PRTC/VRE service providing the *employee's* Department Director is notified in advance.
- E. *Employees* may attend local, regional and/or state meetings, serve on boards, committees, task forces, etc., in an official capacity during normal working hours and shall not be required to use their annual or *compensatory leave*. The *employee's* Department Director or his/her designee shall determine if the activity is considered official and shall approve the *employee's* attendance at these activities. *Employees* shall use annual leave or *compensatory leave* for attendance at functions which are determined to not be official.

## XII. Unscheduled Leave for Commission-proper Personnel Related to Weather or Unusually Challenging Conditions

### A. Introduction.

The intent of the organization is to keep the PRTC Transit Center open and to maintain transit services during times when weather (e.g. heavy snow, ice) or other unusually challenging conditions are present, provided this can be done safely. To this end, it is mandatory for employees occupying positions indispensable to the delivery of transit services (aka "essential" positions, which are defined in sub-section B) to be prepared to work, with special accommodations being made as necessary to enable them to do so. Employees occupying all other positions ("non-essential" positions) may or may not have to work when such conditions exist, governed by procedures described in sub-section C.

The procedures described in sub-sections B and C governing what is required of essential and non-essential employees, respectively, apply only if transit services are going to be operated -- be they regular services or more limited service (hereinafter referred to as "transit service"). On rare occasions, however, conditions will be too daunting to do so, which is to say the PRTC Transit Center will be closed and no transit service will be operated (a "shutdown" situation). In a "shutdown" situation, no employees (be they "essential" or otherwise) will work, and all will record their absence from work on the electronic timesheet

as "office closure", meaning the hours are payable. If an employee had scheduled conventional leave before the unusually challenging event giving rise to a shutdown occurs, said employee shall record his/her absence during the shutdown as "office closure" so the employee's leave balance is not lessened by the shutdown hours.

Employees must acquaint themselves with the applicable procedures for their respective positions, beginning with the fact-finding required to ascertain whether a "shutdown" situation is operative. The Director of Planning and Operations Planning is responsible for assessing whether conditions are such that a "shutdown" is warranted, subject to the Executive Director's concurrence. Employees are to inform themselves if transit service is going to be operated or a shutdown determination has been made by phoning the PRTC Customer Service telephone line (703-730-6664), where a voice mail message will be recorded.

Whether transit service is operated or a shutdown is necessary is situation-dependent, so this is a determination PRTC management must make based on an assessment of the nature and gravity of the situation.

Weather or other unusually challenging conditions may also necessitate unorthodox starting and ending times for those who do work. PRTC management reserves the right to specify unorthodox starting and ending times if conditions warrant.

#### B. Essential Employees

1. The following positions are considered essential: Customer Service Agents, the Customer Service Manager, Dispatchers, the Dispatch Manager, Lobby Customer Service Agents, the Quality Assurance Supervisor, Quality Assurance Monitors, the Director of Planning and Operations Planning, and the Director of Customer Service and Dispatch. Because the Director of Customer Service and Dispatch and the Deputy Director of Planning and Operations have supervisory obligations encompassing multiple shifts, they alone have the latitude to report to PRTC as they deem necessary for the effective discharge of their responsibilities when weather or another emergency condition is present, rather than being required to report at a specified time.
2. Employees occupying essential positions are responsible for informing themselves whether transit service is going to be operated or whether a shutdown determination has been made by phoning the PRTC Customer Service telephone line (703-730-6664), where a voice mail message will be recorded. Recognizing that the recorded message may not be posted soon enough to inform dispatchers working the earliest shift whether transit service is going to be operated, management will see to it that those dispatchers are notified directly.
3. If transit service is going to be operated, the Director of Customer Service and Dispatch, the Dispatch Manager, and the Director of Planning and Operations Planning have authority to decide whether the severity of the situation is such as to warrant some form of special accommodations for themselves and for the staff reporting to them. When one of those having this authority determines that the severity may inhibit travel from home to PRTC, special accommodations defined in sub sections 4b and 4d will be made available. The special accommodations defined in sub-sections 4a and 4c can be authorized by only the Director of Planning and Operations Planning -- in consultation with the Director of Customer Service and Dispatch or their backups-- inasmuch as PRTC's non-revenue vehicle fleet and staff that can be freed up for transport purposes are limited. 4a accommodations shall be recorded in the log on the second floor in the copying room where the postage issuing machine resides so the availability and whereabouts of the 4 wheel drive vehicles can be readily ascertained.
4. Special accommodations for essential employees may include as possible:

- a. Drive a PRTC 4 wheel drive vehicle home.
- b. Spend the night at the Wytestone Suites (where PRTC enjoys a discounted rate) or another neighboring hotel near PRTC if the Wytestone Suites does not have space, with the lodging expense, meals, and other qualifying expenses (e.g., mileage) paid by PRTC at the normal rates.
- c. Make arrangements with the Quality Assurance Supervisor or another essential person to be picked up in a 4 wheel drive vehicle.
- d. Swap shifts with a co-worker.

Special accommodations as described may be authorized by those having authority without prompting, or may be requested by individual essential employees of one of those having this authority for consideration and approval.

When weather or other emergency conditions unexpectedly occur in the early morning hours, any essential employee unable to report to work will contact his/her direct supervisor or manager who will make arrangements to have the employee picked up if staff and vehicles are available to do so and provided that the employee lives within a reasonable distance from PRTC. When the potential for a "weather" event or other emergency can be foreseen, those employees who do not live within a reasonable distance from PRTC should make an effort before the emergency occurs to swap shifts with a co-worker who lives closer to the office.

Other essential employees who think that they may need assistance to report for work on time should call their direct supervisor or manager to seek arrangements for transportation. Transportation arrangements will only be made based upon the availability of staff and vehicles and the employee's proximity to the office.

Those needing transportation at the end of their work shift to return home should notify their direct supervisor or manager in a timely manner. If PRTC has staff and vehicles available, PRTC will take employees home. However, if the employee cannot be accommodated in this manner, employees may opt to stay in a hotel as described in 4b until roadway conditions are such that they are able to drive themselves home.

- 5. Accounting for hours worked. Employees occupying essential positions working when a weather or other emergency condition is present shall record the hours they work based on what Prince William County has declared as the operative condition for the County's offices<sup>1</sup>, guided by the following.
  - a. If the County's offices are open but unscheduled leave is being permitted (scenario [2] in the footnote), hours worked by PRTC essential employees shall be recorded in the normal manner. Those essential employees who work more than 7.5 hours in a day who are entitled to compensatory time or overtime per PRTC Personnel Policy XVI will earn one or the other as the Department Director sees fit.
  - b. If Prince William County has declared its offices closed (scenario [3] in the footnote), all essential employees shall record the hours they work at the rate of 1.5 times the hours actually worked, be they exempt or non-exempt. Non-exempt essential employees shall be entitled to compensatory time or overtime per PRTC Personnel

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<sup>1</sup> Prince William County's practice is to declare that its offices are either: (1) open in the normal fashion; (2) open but with unscheduled leave being permissible; or (3) closed. This declaration is posted to the County's web-site ([www.pwcgov.org](http://www.pwcgov.org)).

Policy XVI for all the hours worked during a “scenario [3]” event, as the Department Director sees fit. Exempt essential employees shall be entitled to compensatory time only for all the hours worked during a “scenario [3]” event.

C. Non-essential Employees

1. All positions in the organization other than those defined as essential in sub-section B are non-essential. Employees occupying non-essential positions are responsible for informing themselves whether transit service is going to be operated or whether a shutdown determination has been made by phoning the PRTC Customer Service telephone line (703-730-6664), where a voice mail message will be present.
2. If transit service is going to be operated, attendance of employees occupying non-essential positions is governed by Prince William County’s declaration of its own workplace condition as described in footnote (1), though PRTC management may override this by directly contacting whomever might be needed if some extraordinary condition arises that requires the attention of a non-essential employee (e.g., the need for facilities staff to come in because of a burst pipe). More specifically:
  - a. If Prince William County has declared that its offices are open but unscheduled leave is permissible (scenario [2]), PRTC employees occupying non-essential positions may choose to either work or take unscheduled leave. PRTC employees occupying non-essential positions whose work can be performed remotely may do so, which is to say the “work choice” as it is referenced here is not limited to only those who are physically present at the PRTC Transit Center.
  - b. If Prince William County has declared that its offices are closed, PRTC employees occupying non-essential positions shall not come to work and record their absence from work on the timesheet as “office closure”, meaning the hours are payable.
3. Accounting for hours worked. Employees occupying non-essential positions shall record the hours they either work or take as unscheduled leave in the normal manner when the County has declared that unscheduled leave is permissible (scenario [2]). If an employee occupying a non-essential position is directed by PRTC management to work during a “scenario [3]” event, however, hours worked are to be accounted for as if the affected employee occupies an essential position (see Section B.5).



<u>SITUATION</u>	<u>ESSENTIAL EMPLOYEES</u>	<u>NON ESSENTIAL EMPLOYEES</u>
Shutdown	Employees are to call 703-730-6664 to verify whether a “shutdown” determination has been made. If a shutdown has been declared, employees do not report to work and are paid for the day by selecting “office closure” on their timecards. Leave balances not charged.	Employees are to call 703-730-6664 to verify whether a “shutdown” determination has been made. If a shutdown has been declared, employees do not report to work and are paid for the day by selecting “office closure” on their timecards. Leave balances not charged.
PRTC transit service is being operated, and Prince William County has declared that its offices are open with unscheduled leave permissible	Employees are to call 703-730-6664 to verify whether a “shutdown” determination has been made and, if not, employees are required to report to work. Employees will earn regular pay for hours worked. Those that work more than 7.5 hours who are entitled to compensatory time or overtime per Policy XVI shall receive that – one or the other at the Department Director’s discretion.	Employees are to call 703-730-6664 to verify whether a “shutdown” determination has been made. If transit service is being operated, employees are to go to the Prince William County (PWC) Government ( <b>NOT PWC Schools</b> ) web-site (pwcgov.org) to determine what condition it has declared for its employees. If PWC Government has declared unscheduled leave for its employees, employees may take unscheduled leave, come to work, or work remotely. Those that come to work or work remotely shall earn regular pay for the hours worked. Those that elect to take unscheduled leave shall record it as annual leave or comp used on their timesheets.
PRTC transit service is being operated, and Prince William County has declared that its offices are closed	Employees are to call 703-730-6664 to verify whether a “shutdown” determination has been made and, if not, employees are required to report to work. Employees will record hours worked at 1.5 times actual hours worked regardless of whether they are classified as non-exempt or exempt-straight time employees.	Employees are to call 703-730-6664 to verify whether a “shutdown” determination has been made. If transit service is being operated, then go to the Prince William County (PWC) Government ( <b>NOT PWC Schools</b> ) web-site (pwcgov.org) to determine what condition it has declared for its employees. If PWC Government has declared its offices closed, PRTC non-essential employees shall not come to work and record their absence from work on the timesheet as “office closure”, meaning the hours are payable.

It is VRE’s intent to remain open and fully functional during inclement weather as long as customers are riding the trains.

- A. *Employees* are expected to report to work when weather conditions permit safe travel. However, *employees* are authorized unscheduled leave if weather conditions prevent them from safely reporting for work during normal scheduled hours.
- A. Unscheduled leave is defined as annual leave, compensatory time or leave without pay by an *employee* during severe weather without obtaining advance approval prior to its use.
- B. In the absence of announced unscheduled leave in the City of Alexandria for city government *employees* (where VRE offices are located), and with the approval of the *employee’s* immediate supervisor, an *employee* may use annual, compensatory time or leave without pay if localized severe weather conditions prevent an *employee* from working normally scheduled hours.

- C. Announcements are made by television and radio stations concerning unscheduled leave conditions and/or office closures. Announcements regarding the City of Alexandria for code red, yellow, etc. often refers to the schools and not government offices. VRE does not follow the school closings. If the City of Alexandria government announces unscheduled leave or closure, *VRE employees* are not required to contact their supervisor before taking unscheduled leave.
- D. It is not the intent of the VRE unscheduled leave policy or approved leave resulting from localized severe weather conditions to permit a full day of leave, but only for the time period when severe weather conditions prohibit safe travel.
- E. When unscheduled leave is used, *employees are to record their time as either annual leave comp time used, or leave without pay on their timesheet*. Part time employees are only paid for actual hours worked.
- F. When severe weather conditions that may inhibit travel from home to VRE are predicted for the following day, the VRE Chief Executive Officer will approve essential employees spending the night at a hotel near VRE (meals and lodging to be paid by VRE). Essential employees include representatives of Customer Service, IT and the Administrative Departments.

#### XIV. Bereavement Leave

Bereavement leave shall be granted to a *full-time regular* and *part-time regular* (15 hours or more per week) *employee* for the death of a member of the *employee's* immediate family which shall include the husband, wife, children, mother, father, mother-in-law, father-in-law, sister, brother, grandchildren, great-grandchildren, grandparents, great-grandparents and other persons at the discretion of the Executive Director or the Chief Executive Officer. Leave due to death of others shall be charged to annual, compensatory or leave without pay. Bereavement leave shall be non-chargeable and limited to three *workdays*. Additional leave may be granted at the discretion of the Executive Director or the Chief Executive Officer.

#### XV. Well Days

Well Days are a means for rewarding *full-time regular employees* who use little or no sick leave during the calendar year.

- A. *Employees* must be employed on the first *work day* of the calendar year to be eligible. *Employees* who use 30 consecutive days or more of leave without pay not including military leave during the calendar year will not be eligible for that calendar year.
- B. *Employees* who use more than 30 hours but less than 60 hours of sick leave during the calendar year will receive one Well Day (7.50 annual leave hours).
- C. *Employees* who use 0 - 30 hours of sick leave during the calendar year will receive two Well Days (15.0 annual leave hours).
- D. Sick leave used during the twenty-six pay periods which includes December 31 of each year, will determine whether or not an *employee* is eligible to receive Well Days.

- E. Well Days will be added to the *employee's* annual leave balance after the annual leave cut off has occurred [refer to Section III D].

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