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Clackamas County Policy

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| Name of Policy | Vacation Leave | Policy # | EPP 66 |
| Policy Owner Name | Evelyn Minor-Lawrence | Effective Date | 7/1/23 |
| Policy Owner Position | Human Resources Director | Approved Date | 6/6/23 |
| Approved By | Gary Schmidt, County Administrator | Last Review Date | n/a |
| | | Next Review Date | 7/1/26 |

I. PURPOSE AND SCOPE

This policy describes paid vacation leave for employees, including how it will be accrued and used by employees.

This policy applies to all probationary and regular full and part-time County employees.

II. AUTHORITY

This policy is established by the County Administrator’s administrative rule-making authority pursuant to County Code 2.09.060.E.

III. POLICY

Clackamas County provides employees with vacation leave accrual on a monthly basis to be held in a vacation bank for future use.

Newly hired employees upon initial hire will have the one-time option to have their first years’ worth of vacation leave frontloaded into their vacation leave bank and must complete additional paperwork to receive frontloaded vacation. New hires that select the frontloaded option will have the equivalent of one year’s worth of vacation available to them for use immediately upon hire. Employees who choose the frontloaded option for the first year of employment will start accruing vacation leave on a monthly basis effective the first day of the month following their first year of employment.

Frontloaded vacation is considered a loan until the employee has otherwise accrued the equivalent amount of leave.

The use of vacation is subject to department policies and business needs, and applicable collective bargaining agreements.

IV. DEFINITIONS

- Eligible employees: Employees hired into regular and vacation eligible positions, including those employees either recalled from layoff or reinstated to a position (per Personnel Ordinance).
- Frontloaded vacation: New eligible employees have the one-time choice to receive the equivalent of the first years’ worth of vacation leave deposited to their vacation leave bank at time of hire. Frontloaded vacation hours are based on the assigned FTE and prorated for part-time positions Full Time Equivalent (FTE): Refers to the unit of measurement equivalent to an employee who works 40 hours or 37.5 hours per week (1.0 FTE). A part-time employee’s FTE status is based on hours worked compared to

a full-time employee. For example, an employee who works 20 hours per week would be a 0.5 FTE.

- Ineligible employees: Limited-term duration employees and existing employees who are promoted, reclassified, or transferred, are not eligible to receive vacation time frontloaded into their vacation banks.
- Vacation accrual: Hours earned and available to use when an employee has been in a paid status for a defined number of hours during the previous month.

V. POLICY GUIDELINES

ACCRUALS AND MAXIMUMS

When frontloaded vacation is not selected, employees begin accruing vacation on the 1st of the month following 30 days of employment. For part-time employees, vacation leave accrues on a per hour basis and is prorated based on FTE, and may vary based on length of service depending on when the employee was hired.

Non-Represented Employees:

Employees hired on or after January 1, 2001, are enrolled in the vacation sellback program. Vacation leave shall be accrued at the rate of sixteen (16) hours vacation leave per full month of service, regardless of years of service.

Employees who have used at least forty (40) hours of vacation time in a calendar year, or plan to use 40 hours, may elect to sell back 40 hours of earned vacation time during that same calendar year. New employees who choose the frontload option may not use the vacation sell-back program within their first year of employment.

The maximum vacation balance carried over each calendar year shall be 280 hours for non-represented employees. Vacation accrual may be accumulated beyond 280 hours during the calendar year (January 1 through December 31), but the balance will be reduced to 280 hours as of January 1. Vacation accrual exceeding 280 hours on December 31st will be forfeited unless an employee participates in the Health Reimbursement Account (HRA)/VEBA.

Non-represented employees who participate in the HRA/VEBA and who have used at least forty (40) hours of vacation in the prior twelve (12) months shall have up to eighty (80) hours of vacation time in excess of the annual cap of 280 paid into their HRA/VEBA account.

Represented employees should refer to their applicable collective bargaining agreement for information about vacation accruals, balance maximums, vacation sell-back and HRA/VEBA.

For those employees on Accelerated Accrual Plan, continuous service is used for the purpose of determining eligibility for accelerated vacation accrual rates. In general, continuous service is employment duration without separation. Time spent by an employee on an authorized leave of absence with or without pay shall be included as continuous service.

Time spent on any unauthorized leave in excess of 88 hours in the prior month will not count as part of continuous service.

Employees who resign or are discharged from County service for a period of time less than ninety (90) days shall regain previously accrued service years to count towards accelerated vacation rates.

UTILIZING VACATION LEAVE

Once hours are populated in an employee's vacation bank, they are available for use with prior supervisor approval.

Employees who have vacation leave banked may not take leave without pay until their leave bank is exhausted.

Vacation hours utilized during any work week will always be paid at a straight time rate. Those hours will not be considered in computing overtime hours worked in that work week unless stated otherwise in the applicable collective bargaining agreement.

If an employee becomes ill while on vacation, the employee must notify their supervisor on their first day of illness, or as soon as reasonably possible, during the vacation period, or will not be allowed to charge that time to accrued sick leave.

PAYMENT UPON TRANSFER, TERMINATION, LAYOFF OR DEATH

When an employee is transferred to a position in a new department, the employee will retain any accrued vacation balance, unless the employee is transferring to a non-vacation eligible position, in which case the vacation will be paid out. The vacation liability transfers to the new department. Employees who are separating from service may not use vacation time to extend their period of employment for the purpose of gaining additional leave accruals and/or employee benefits.

When employment ends for any reason, including involuntary termination, layoff or death, the employee or employee's heirs shall receive cash compensation for all accrued vacation leave at the employee's current base pay rate.

Employees who choose the frontloaded vacation option for their first year of regular employment and leave County employment, for any reason, prior to the end of the first year will only receive a vacation payout equivalent to the amount they would have otherwise accrued per each full month of service, less any hours used or donated per the Donated Leave program. Similarly, in the event an employee leaves County employment, for any reason, prior to the end of the first year and has used or donated more paid vacation time than they would have accrued during time of employment, the employee will have the cost of the unearned/loaned vacation hours deducted from their final paycheck based on their base pay rate at time of hire. If the employee's final paycheck does not cover the amount of frontloaded vacation time taken prior to separation, the County will attempt to recover the difference as described in the Department of Finance "Overpayment Policy." The employee's department would be responsible for any unrecovered funds.

Collective bargaining agreements may contain provisions additional to those provided by this policy, and in those instances, the collective bargaining agreement takes precedence.

VI. PROCESS AND PROCEDURES

- 1) Employees shall make a request for vacation leave to their immediate supervisor in advance. The request shall be approved unless it is contrary to the business needs of the department. Conflicts in scheduling shall be resolved by the immediate supervisor, usually using seniority in the department as the determining factor. Collective bargaining agreements for vacation scheduling procedures shall take precedence.
- 2) For employees eligible to “sell back” vacation time, to receive compensation in lieu of vacation leave, the employee must submit a completed “request to sell vacation” form to the payroll office no later than December 31st of that calendar year.

VII. ACCESS TO POLICY

Access to this administrative policy shall be as follows:

- Filed in the County’s policy management system.
- Posted to the County’s intranet.
- Posted to the County’s internet.

VIII. ADDENDA

- EPP 46 – Leave Donation Program
[EMPLOYMENT POLICY AND PRACTICE #46 \(clackamas.us\)](#)
- Collective Bargaining Agreements
[Union Contracts | Clackamas County](#)
- Department of Finance “Overpayment Policy”