

POLICY MANUAL

CHAPTER 6 - HUMAN RESOURCES POLICIES

6.7 PAID TIME OFF AND LEAVE POLICY

Purpose:

The MLC believes that its employees are the key to its success. The MLC believes that a balance between work and nonwork activities is essential to maintain quality performance and a positive work environment. To support this philosophy, the MLC has developed the following Paid Time Off and Leave policies.

Amended 02/21/23

Holidays: Full-time MLC employees will receive their regular pay (no salary reduction for salaried employees and 8 hours for hourly employees) on these eight annual holidays:

- January 1 - New Year's Day
- Last Monday in May - Memorial Day
- July 4 - Independence Day
- First Monday in September - Labor Day
- Fourth Thursday in November - Thanksgiving Day
- Friday after Thanksgiving
- December 25 – Christmas
- Christmas Eve or Day after Christmas (day to be determined annually by President)

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When a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. When a holiday falls on a Sunday, the following Monday will be observed as a holiday.

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In addition, each regular full-time employee is eligible to receive pay for 24 hours of “floating holiday” each calendar year. Floating holiday hours are issued on a prorated basis to newly hired full-time employees. Requested dates are subject to approval of the immediate supervisor. Floating holiday hours may be used to obtain pay for otherwise unpaid leave. Floating holiday hours must be issued in 1 hour increments. Unused floating holiday hours do not carry over to the next year.

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If a non-exempt employee is required to work on an observed or actual holiday, he or she will receive the full holiday pay plus compensation for the hours worked (8 hours for full-time, 4 hours for part-time).

Holiday pay is a benefit for current employees, not a deferred wage payable on termination or available for carryover to the next year.

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Full-time employees that are on leave during the occurrence of a recognized holiday will receive 8 hours of holiday pay.

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Paid Time Off (PTO): PTO is a benefit only for active full-time employees, not a deferred wage payable on termination. It may be used to attend to personal business, to obtain pay for otherwise unpaid leave (subject to the specific policy for that leave), or such as when ill. When a regular full-time employee submits a PTO request, it is reviewed by their supervisor/manager based on scheduling needs of the department. PTO issued based on length of services as follows:

Years of Continuous Service	PTO Issued Annually	Annual Max Balance
0 – 1	Prorated	160 hours
1 – 4	160 hours	280 hours
4 – 6	200 hours	320 hours
6 +	240 hours	360 hours

PTO is generally issued at the beginning of a calendar year on or around January 1. Newly hired full-time employees will be given a prorated amount of PTO beginning with the first day of the month following their date of hire to be available for use after 90 days of employment. For example, an employee hired on January 5 will receive 146.7 hours of PTO. The initial prorated balance is subject to carryover rules and may not be available to use for those hired after a certain point in the year.

Except in emergencies, PTO should be requested at least two (2) weeks in advance. Management reserves the right to control PTO scheduling. PTO will be granted in one (1) hour increments, except when PTO is taken in connection with a disability accommodation requiring shorter absences.

Unused PTO hours may be carried over to the next year after completing 12 consecutive months of full-time employment. The maximum amount that may be carried over each year is 120 hours, not to exceed the annual maximum balance.

Available PTO must be applied to all absences and leave unless otherwise stated within a specific leave policy. PTO may not be used to extend an employee's date of retirement or resignation beyond the last day worked.

For all staff members employed at the MLC on the effective date of this Policy, the annual PTO benefits noted herein shall be retroactive to the date he/she officially became employed with the MLC. Any PTO used or granted from any temporary policy shall be subtracted from the available PTO.

Administrative Leave is a paid leave of absence available in these situations:

1. Jury duty;
2. Court attendance related to MLC employment or as subpoenaed, non-party witness;

3. Voting -- if the employee lives such a distance from the assigned work location to preclude voting outside normal working hours (three (3) hours maximum);
4. President, or designee, declares MLC administrative offices closed due to inclement weather, or any other emergency condition. (Employees need not request leave for this reason);
5. Workers' Compensation elimination period.

Bereavement Leave: In the event of a death of the employee's spouse, domestic partner, child, stepchild, parent, stepparent, father-in-law, mother, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, or an adult who stood in loco parentis to the employee during childhood, or as designated by the President, a regular full-time employee shall, at such time, be allowed up to three (3) consecutive days of authorized leave with pay. Pay for such authorized leave will be made only for actual time lost from work. Verification of death may be required.

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Military Leave: Eligible employees who are drafted or enlist in military service will be afforded leave and reemployment rights as provided by governing law. Regular full-time employees will also be afforded a leave of absence for periods of active duty training or inactive duty training (including National Guard or Reserve Service) without loss of seniority, pay or certain benefits in accordance with governing laws.

A copy of the employee's duty orders (if and when available) must be submitted with a completed leave form. Once the supervisor/manager has authorized the leave, the leave form and duty orders shall be forwarded to the Human Resources department.

An employee may receive regular pay for Military Leave for a maximum of one hundred twenty (120) hours (including National Guard and Reserve duty) in one (1) calendar year or in any one continuous period of absence. However, due to a sudden exigency the President may extend this period. Military Leave may include time spent traveling to assigned duty if the employee had been regularly scheduled to work that day. The remainder shall be considered leave without pay unless the employee elects to use granted annual, compensatory, or personal leave.

LEAVES OF ABSENCE

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Leave of Absence:

In cases where FMLA and other forms of leave as dictated by law are not applicable, an employee may request a leave of absence for up to 6 weeks. A leave of absence generally refers to extended absences of greater than 5 consecutive work days. Leave of absence requests should be made in writing at least 30 days in advance where possible. Requests are granted based on staffing needs and are not guaranteed. Available PTO must be applied to any leave of absence. Once exhausted, the remainder of the leave will be unpaid, unless the leave includes paid MLC holidays, which will be paid. Employees on approved leave of absence are responsible for paying their portion of benefit premiums.

Family and Medical Leave:

Eligible employees may take Family and Medical Leave Act (“FMLA”) leave up to twelve (12) weeks in any rolling twelve (12) month period for the following reasons: the birth, adoption or acceptance of a child for foster care; the care of a spouse, child or parent with a serious health condition; the employee's own serious health condition; or for any qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or call to covered active duty status. Eligible employees also may take up to 26 workweeks of FMLA leave during a single 12-month period to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, child, parent or next of kin of the servicemember. An employee who fails to return to work after exhausting the amount of job protection afforded under FMLA may be subject to termination.

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You are eligible if you have worked for the MLC at least one (1) year and have worked at least 1250 hours during the twelve (12) month period preceding the commencement of the leave. There are many additional terms and conditions, and specific forms must be used, so please check with the Human Resources department for a detailed explanation applicable to your situation. Here are a few highlights.

- Leave Request forms must be submitted at least thirty (30) days in advance of the requested leave date, whenever possible. If this is not possible, employees should give notice as soon as the need for such leave is anticipated. An employee requesting leave for his or her own serious medical condition or for the serious medical condition of spouse, child or parent must return a FMLA Certification Form. Employees are responsible for either furnishing a complete and sufficient certification and, when appropriate, furnishing the health care provider who is providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to provide a complete and sufficient certification to the employer to support the FMLA request.
- If the MLC is aware that leave has been requested by an eligible employee for an FMLA-qualifying reason, the MLC will designate any leave granted as FMLA leave, up to the amount of the employee's entitlement.

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- Available paid leave (PTO, for example) must be applied during approved FMLA leave. Once exhausted, the remainder of FMLA leave will be unpaid, unless the leave includes paid MLC holidays, which will be paid even during FMLA leave.
- While the employee is on FMLA leave, the MLC will continue to pay its share of premiums for group life, medical and dental insurance, short term disability and long-term disability insurance. To keep coverage, employees must make arrangements with HR to continue to pay the employee's shares of the premiums. If an employee on FMLA leave is receiving disability benefits from the MLC's insurance carrier, the MLC will pay for continued coverage under these benefit plans for up to nine (9) months, or until the employee's last day of employment with the MLC, whichever occurs first. If an employee does not return to work at the end of his or her leave for reasons other than a continued serious health condition, the MLC may recover from the employee the insurance premiums paid by the

MLC on behalf of the employee during the leave period.

- Subject to the written plan terms, the MLC will continue to make contributions to the retirement plan based on earnings or paid leave received by the employee during the pay period in which the employee is on Family and Medical Leave. For example, if the employee is receiving disability payments, but has not exhausted all of his/her paid leave and is using PTO to supplement the disability payments, the MLC will make contributions to the plan based on the PTO payments. For those employees making contributions under the 401K Plan the MLC will continue to provide matching funds in accordance with the plan.
- FMLA leave is more generous in case of “qualifying exigencies.” The HR department has a list of those.

DISABILITY AND WORKERS’ COMPENSATION INSURANCE

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Disability Insurance Benefits: Subject to the written policy terms, employees may apply for short or long-term disability benefits by completing and submitting the appropriate forms, available in the Human Resources department. Employees receiving disability benefits may supplement their disability earnings by using any available paid leave.

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Workers’ Compensation: MLC employees who have received a written note from his/her approved Workers’ Compensation physician stating that the employee must miss work due to work-related illness or injury may be placed on Administrative Leave for up to a maximum of seven (7) calendar days. Thereafter, compensation will be in accordance with the terms and conditions established by the MLC’s Workers’ Compensation insurer, subject to the orders of the Mississippi Workers’ Compensation Commission. PTO may not be utilized while receiving Worker’s Compensation.

Note: In accordance with The Alyce G. Clarke Mississippi Lottery Act, the MLC President has the authority to make exceptions.