

## **Cass County Paid Earned Time Off (ETO) / ESTA Policy**

This policy is effective February 21, 2025. It incorporates the Michigan Earned Sick Time Act (ESTA) provisions into a combined ETO / ESTA policy.

This policy replaces and supersedes the Paid Leave (Earned Time Off) policies contained in the Personnel Handbook of County of Cass and the Cass County Courts & County Clerk's Office Employee Handbook.

If an employee is covered by a collective bargaining agreement in effect on the effective date of this policy, and the collective bargaining agreement conflicts with this policy, this policy does not apply to such an employee.

### **Benefit Year**

For purposes of this policy, the Benefit Year begins on October 1.

### **Award of ETO**

On October 1, the County awards full-time employees (individuals who are regularly scheduled to work at least 40 hours per week) 84 hours of ETO.

On October 1, the County awards part time employees (individuals who are regularly scheduled to work less than 40 hours per week) ETO on a pro rata basis in proportion to the number of hours the County expects the part time employee to work in the upcoming Benefit Year. For example, an employee who is expected to work 20 hours per week during the Benefit Year will be awarded 42 hours of ETO on October 1.

Employees may not have more than a total of 84 hours of ETO in their bank at any time.

New full-time and new part-time employees hired during the Benefit Year will be awarded ETO on the employee's hire date on a pro rata basis in proportion to the amount of time left in the Benefit Year. For example, a full-time employee hired on February 1 will receive 56 hours of ETO (84 ETO hours x 2/3 of Benefit Year).

Employees who are on any kind of leave on October 1 will not be awarded ETO on that date but instead will begin to accrue one hour of ETO for every 30 hours worked. In the event the employee returns to work, the employee will be awarded a pro rata share of ETO based on the employee's date of return from leave. For example, if a full-time employee on an approved leave of absence is on leave on October 1st but returns to work on January 1, the County will award the employee 63 hours of ETO on January 1 (84 ETO hours x 75% = 63 ETO hours).

Seasonal\Temporary employees (individuals who are expected to work only during a limited time period or at random intervals to meet temporary increased labor demand), which includes but is

not limited to part time employees who are not regularly scheduled, accrue one hour of ETO for every 30 hours actually worked. Seasonal\Temporary employees, which includes part time employees who are not regularly scheduled, may only use ETO for the Michigan Earned Sick Time Act (ESTA) qualifying reasons.

### **Use of ETO**

ETO is available to full-time and part-time employees when it is awarded. Seasonal\Temporary must wait 120 days after their hire date to use ETO.

ETO may be used for any reason, including but not limited to any qualifying reason under the Michigan Earned Sick Time Act (ESTA). The following are qualifying reasons under ESTA:

- To care for the employee's family member who is suffering from a mental illness, physical illness, injury, or health condition, or preventative medical care.
- To care for the employee's own mental illness, physical illness, injury, or health condition, or preventative medical care.
- To address the employee's or the employee's family member's physical, psychological, or legal effects of domestic violence or sexual assault.
- To attend meetings at a child's school or place of care related to the child's health or disability or effects of domestic violence or sexual assault.
- For reasons related to a public health emergency as described in MCL 406.964.

For purposes of this policy, the term "family member" includes:

- A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis.
- A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child.
- A person to whom the employee is legally married under the laws of any state or a domestic partner.
- A grandparent or grandchild, a biological, foster, or adopted sibling
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

ETO may be used in 15-minute increments.

When using ETO, employees will be paid their normal hourly wage rate. Normal hour wage rate does not include overtime pay or holiday pay in the calculation of the employee's normal hourly wage.

ETO will run concurrently with FMLA and other forms of unpaid leave.

Employees who exhaust their ETO bank in a Benefit Year for non-ESTA related reasons, and/or ESTA related reasons, will not be awarded additional ETO in the Benefit Year.

ETO awarded before the effective date of this policy may be used pursuant to the terms of this policy for any qualifying reason under this policy.

### **Procedure for Use of ETO**

At the time an employee requests to use ETO, the employee must specifically designate in writing if they are requesting to use the ETO for an ESTA qualifying reason. ETO (including ETO used for ESTA qualifying reasons) must be reported on the Bi-Weekly Time Report and submitted through normal timesheet procedures to the Payroll/HR processing department. An employee who enters their own hours in time sheets who wishes to use ETO for an ESTA qualifying reason must designate such hours with an ESTA pay code, which will serve both as their written request to use ETO and their verification that it is being used for an ESTA qualifying reason. If an employee does not enter their own hours (e.g. hours are entered by their supervisor) then the employee is required to complete an ESTA Paid Leave Request Form.

Foreseeable Leave – If the use of ETO is foreseeable, e.g. a planned scheduled business appointment or scheduled medical treatment, the employee must ask their supervisor to use ETO up to seven days in advance.

Unforeseeable Leave – If the use of ETO is not foreseeable, e.g. a medical emergency, the employee must ask their supervisor to use ETO by 7:00 am or as soon as practicable after the employee first becomes aware of need for ETO.

If an employee uses ETO ESTA qualifying reasons for more than three consecutive days, the County may require reasonable documentation that the ETO has been used for an ESTA qualifying reason. The employee must provide the requested documentation within fifteen days of the County's request. The County will maintain medical certifications separate from the employee's other personnel records pursuant to applicable law.

### **Carry Over**

Except as noted below, ETO which is not used or cashed out pursuant to the terms of this policy, by the end of the Benefit Year is waived and does not carry over to the next Benefit Year.

Employees who accrue ETO may carry over a maximum of 72 hours ETO to the next Benefit Year.

**Cash Out – End of Benefit Year**

Except as noted below, the County will cash out an employee’s awarded but unused ETO hours as of September 30th up to a maximum of 60 hours. Any remaining ETO which is not cashed out is waived and does not carry over to the next Benefit Year. In the event an employee uses an ETO hour(s) to cover an STD (Short Term Disability) elimination period, and the County returns the ETO hour(s) to the employee’s ETO leave bank, the County will not cash out the returned ETO hour(s), and the employee must use unreturned ETO hour(s) before using the returned ETO hour(s).

The County does not cash out ETO for employees who accrued ETO by the accrual method, e.g. Seasonal\Temporary employees.

**Cash Out – Separation of Employment**

Except as noted below, upon the separation of employment for any reason the County will cash out unused ETO. The County will not cash out unused ETO if an employee has engaged in misconduct. The County does not cash out ETO for employees who accrued ETO by the accrual method, e.g. Seasonal\Temporary employees.

**Re-Hire**

If the County rehires an employee within 2 months of separation of employment, upon rehire the County will restore the employee’s prior ETO bank balance (less any ETO hours cashed out at separation of employment) existing on the last date of employment. An employee hired as a Seasonal\Temporary employee must wait 120 days after the date of rehire to use any such ETO. If the County rehires an employee after 2 months of separation of employment, the County does not restore the employee’s prior ETO bank balance.

**Other**

The County may not take retaliatory personnel action against an employee for requesting or using ESTA qualifying leave for which the employee is eligible. An employee may file a complaint with the Michigan Department of Labor and Economic Opportunity.

Adopted 3/20/2025  
BOC Motion #M-38-2025

**Employee Acknowledgement/Signature**

I have read and understand the Cass County Paid Earned Time Off (ETO) / ESTA policy and understand my rights. I also understand I may view required employer labor postings in the Historical Courthouse, Law & Courts Building, the Sheriff’s Office on the Cass County intranet website.

\_\_\_\_\_  
Employee Signature and Date

\_\_\_\_\_  
Witness Signature and Date

# Cass County Employee Paid Leave Request Form

*Under the Michigan Earned Sick Time Act (ESTA)*

## Employee Information:

Name:	
Date of Requested Leave:	
Hours Requested:	

## Qualifying Reasons Under ESTA:

- The employee's or the employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's mental or physical illness, injury, or health condition; or preventative medical care for the employee.
- If the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
- For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child; or
- For closure of the employee's place of business by order of a public official due to a public health emergency; for an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or employee's family member's presence in the community would jeopardize the health of others because of the employee's or family member's exposure to a communicable disease, regardless of whether the employee or family member has actually contracted the communicable disease.
- An employer shall not require an employee to search for or secure a replacement worker as a condition for using earned sick time.

## Definition of Family Members Under ESTA:

Family members include biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis, biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor, grandparent, grandchild, biological, foster, or adopted sibling, or any other individual related by blood or affinity whose close association is the equivalent of a family relationship.

## Employee Certification:

I certify that my request for paid leave is for a qualifying reason under the Michigan Earned Sick Time Act.

Signature:	
Date:	