

County of Cumberland Board of Commissioners	Policy Number: 3.12	Pages: 1 of 2
Chapter: Personnel Actions	Effective Date: October 24, 2023 Supersedes Policy 3.12 Dated 1/1/2017	
Subject: Terminal Leave		

I. POLICY:

Cumberland County extends generous leave benefits to all employees and remains committed to assisting those who legitimately need those benefits. Cumberland County conducts audits of the Payroll System to assure that no employees are utilizing sick leave in a fashion contrary to County Policies, contractual agreements, or State Laws. In compliance with Title 11A:6-19.2, the practice of using terminal leave is forbidden for Cumberland County employees. This practice represents an unwarranted burden on Cumberland County taxpayers as well as other employees who must shoulder the responsibilities of employees who remain on the payroll but leave their responsibilities to others. It is important that all staff is in attendance to provide services to the public. This practice has never conformed to County Policy, nor has it been permitted under any collective bargaining agreement or employment contract. In fact, this practice directly violates County Policy and Procedures and represents the receipt of benefits to which an employee is not entitled.

II. DEFINITIONS:

A. Terminal Leave:

The payout of unused sick time adjacent to an employee's retirement or resignation designed to circumvent the sick time payout policy language included herein, in the applicable collective bargaining agreements, and in State law.

III. PROCEDURE:

- A. If it has been determined that an employee is utilizing terminal leave, on notice to the employee with a right to be heard, that employee may immediately be placed upon an unpaid administrative leave.
- B. A determination will be made as to whether disciplinary action is warranted.
- C. Terminal leave covered under Federal and State laws governing FMLA/FLA must submit required paperwork in compliance with Policy 2.07.

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- D. The County may, at its discretion and depending upon the specific circumstances, require the employee to be examined by a County designated physician.
- E. Upon a contrary diagnosis, the County may require the employee be examined by a third physician who will serve as a “tiebreaker.”
- F. If the third physician determines the employee is legitimately using sick time, an interactive process between the employee and the County will ensue to determine whether reasonable accommodations can be made to facilitate the employee’s return to work.
- G. If reasonable accommodation cannot be made, or if an undue hardship exists, an employee may be subject to disciplinary action for inability to perform duties.