

Chapter 9: Leave Benefits

The following section describes leave benefits in general. For further detail on the policies concerning leave, the Department of Human Resource Management's (DHRM) policies and procedures manual should be reviewed at the web site (www.dhrm.state.va.us, "HR Policy"). Copies of these policies also may be obtained through the Office of Human Resources.

Annual Leave

Employees receive paid annual leave for vacations and other personal needs. Annual leave also may be used to cover other kinds of leave, e.g., sick leave when sick leave balances have been depleted. Annual leave accrues at the end of each completed pay period.

If an employee goes on leave without pay any time during a pay period, no annual leave is accrued for that pay period. The rate at which annual leave is accrued during each semi-monthly pay period depends on length of service. Employees may, if they wish, accumulate annual leave, but only a limited amount can be carried over from year to year, depending on length of service. Additionally, there is a maximum balance of annual leave that can be paid upon separation from state service, as shown below.

Years of Service	AL Hours Accrued Per Pay Period	AL Hours Accrued Per year	Maximum AL Carryover Limits	Maximum AL Payment Limits
Up to 5 years	4 hours	96 hours (12 days)	192 hours (24 days)	192 hours (24 days)
5 years	5 hours	120 hours (15 days)	240 hours (30 days)	240 hours (30 days)
10 years	6 hours	144 hours (18 days)	288 hours (36 days)	288 hours (36 days)
15 years	7 hours	168 hours (21 days)	336 hours (42 days)	288 hours (36 days)
20 years	8 hours	192 hours (24 days)	384 hours (48 days)	336 hours (42 days)
25 years	9 hours	216 hours (27 days)	432 hours (54 days)	336 hours (42 days)

Sick Leave

Employees hired prior to January 1, 1999, had the opportunity to remain under the sick leave program defined in DHRM Policy #4.55, "Sick Leave," or be covered under the Virginia Sickness and Disability Program (VSDP), described later in this chapter. This section describes the sick leave program found in Policy #4.55.

Sick leave is the State's way of protecting employees against loss of pay when they must miss work because of illness or injury. Sick leave is accrued at the rate of five hours for each completed semi-monthly period, regardless of years of service. If an employee is on leave without pay any time during the pay period, no sick leave is accrued. Employees are urged to use sick leave carefully as it is the only type of paid disability leave available to them.

Sick leave may be used for absences due to illness or injury, or for medical appointments, that cannot be scheduled at times other than during work hours.

Sick leave also may be used, up to 24 hours for each event, for an illness or death in the employee's immediate family. Leave for these purposes may not exceed a total of 48 hours in a calendar year. "Immediate family" is defined as the employee's parents/step-parents, spouse, children/step-children/foster children, and siblings/step-siblings. It also includes any other relative living in the employee's home.

Employees also may use 33% of their available sick leave hours during a Family and Medical Leave Act (FMLA)-designated leave period taken for family reasons. Review the Family and Medical Leave section found later in this chapter.

Upon separation from state service, employees with five or more years of state service at the time of separation will be paid 25% of their remaining sick leave balance up to a maximum of \$5,000.

Virginia Sickness and Disability Program (VSDP)

Employees hired on or after January 1, 1999, and employees who chose not to be covered by DHRM Policy #4.55, "Sick Leave," are covered by the Virginia Sickness and Disability Program (VSDP). VSDP provides employees with income protection if they become unable to perform their normal job duties because of an illness or injury, either short term or long term. In addition to disability income, VSDP provides employees with sick leave (not the same as found in Policy #4.55) and family and personal leave that may be taken for short-term absences throughout the year.

When covered under VSDP, employees receive a VSDP handbook. Many of the details of the program are found in the handbook. Additional questions about the program should be directed to the Office of Human Resources.

Leave Without Pay

There may be occasions in which an employee has exhausted his/her personal leave balances and therefore must be placed on leave without pay status. When leave without pay (other than military leave or family and medical leave) with a guarantee of reinstatement to one's former position does not appear practical because of the college's need to fill the job, the employee may be placed on conditional leave without pay.

Conditional leave without pay allows an employee to retain prior accrued sick, annual, and overtime leave balances, but, if the position has been filled prior to the employee's return, there is no guarantee of reinstatement. Instead, reinstatement must be obtained through the competitive hiring practices of the college. If the employee is unable to attain a position prior to the expiration of the conditional leave without pay period, the employee will be separated.

Leave of absence without pay will not be granted for more than 12 calendar months except for extended illness or injury, for active military service, for specific authorized courses of study, or other reason approved by the college president and the Department of Human Resource Management (DHRM).

A leave without pay for more than 14 consecutive calendar days shall adjust an employee's annual leave accrual date. No annual or sick leave is earned during pay periods when the employee is on leave without pay.

Leave Sharing

The Commonwealth has a leave sharing policy that permits employees to donate annual leave to other employees who may need additional sick leave as a result of personal illness or accident. The following are the guidelines of the program.

- ❑ Donations may be in the form of annual leave only.
- ❑ Leave may be shared within the Virginia Community College System only, except that family members in two different Executive Branch agencies may share leave with one another within the leave sharing guidelines.
- ❑ Donations are to be made in eight-hour increments.
- ❑ Recipients are not required to reimburse leave hours donated unless they receive compensation from another source (e.g., workers' compensation) for the same period, or unless abuse occurs, in which case the recipient may be required to repay the leave and/or may be subject to disciplinary action.
- ❑ Employees who wish to receive leave must contact the Office of Human Resources. Their identities will not be revealed unless they request it.

- ❑ While receiving shared leave, employees will otherwise be considered to be on leave without pay status (e.g., they will not accrue any leave or be paid for holidays).
- ❑ Shared leave may be used only for an employee's personal medical conditions certified by a physician.

DHRM policies and procedures give complete details on leave sharing and should be reviewed at the agency's web site (www.dhrm.state.va.us/).

Other Leaves

There are other types of leave available to employees that are not deducted from their personal sick, family and personal, or annual leave balances.

Administrative Leave

Administrative leave may be available to use to appear in court under subpoena or summons or to serve as a jury member, to serve on State boards or councils, to resolve work-related conflicts, and to interview for other State positions. When Administrative Leave is used for court appearances, a copy of the subpoena or summons to appear in court must be provided to the Office of Human Resources at the time such leave is requested.

The college president or designee is authorized to approve up to 80 hours of administrative leave for employees who sustain severe or catastrophic damage to, or loss of, personal property as a result of a natural or technological disaster. This policy applies only to employees who lose their homes or whose damage is otherwise severe, extreme, and catastrophic resulting in a critical need for time away from work for disaster relief and recovery that extends beyond the authorized emergency closing. To be eligible, the event:

- ❑ must have resulted in a formal declaration of a State of Emergency; and
- ❑ the college activated the Commonwealth's Emergency Closings Policy; and
- ❑ the employee's home was located in the officially declared disaster area; and
- ❑ there is formal documentation from a recognized disaster relief organization or insurance company to verify severe, extreme, or catastrophic damage to, or loss of, personal property as a result of the declared emergency where the damage or a required evacuation rendered the employee's home temporarily or permanently uninhabitable. This leave provision is not intended to apply to situations in which damage to personal property is limited to downed-trees, power outages, or structural damage that did not

- render the home temporarily or permanently uninhabitable or in which the employee voluntarily evacuated the area.

Disaster Relief Leave

Employees may be granted paid leave for up to two weeks (without charge to their personal leave balances) to assist areas that have been declared official disaster areas. In order to qualify for this type of paid leave, the situation must meet all of the criteria found in DHRM's policy on Disaster Relief, Policy #1.15. Employees who are called to active duty in the military or National Guard for emergency service will be paid their regular salaries for the time they are under active service orders. Additionally, this time will not count toward the 15 days that these employees are allowed for training per federal fiscal year.

Family And Medical Leave

Paid leave (through use of the employee's appropriate personal leave balances) or unpaid family and medical leave of up to 12 weeks is available to eligible employees. In order to be eligible, an employee must have been employed by the State for a minimum of one year and worked 1,250 hours or more in the 12-month period immediately prior to the request.

Such leave may be granted because of the birth of a child or the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (limited to employee's child, spouse, or parent) with a serious health condition, or because the employee's own serious health condition makes him/her unable to do his/her job. In either case, management may require medical certification regarding the conditions and circumstances of the serious health condition related to the leave.

Leave To Donate Bone Marrow Or Organs

Employees may use up to 30 workdays of paid leave in any calendar year, in addition to other paid leave, to donate bone marrow or organs. To be eligible, an employee must be in a non-probationary status and present medical certification supporting his/her intent to donate bone marrow or an organ. Employees who are on disciplinary suspension are not eligible to participate in this program.

Leave To Provide Community Service

The Leave to Provide Community Service Policy provides employees time off with pay for service within their communities. Specifically, leave to provide community service may be used for the following purposes.

- Members of volunteer fire departments and rescue squads, or auxiliary units thereof, may be granted paid leave under this policy to:
 - respond to emergency situations during working hours; or

- arrive after the normal beginning of their work shift if an emergency situation to which they responded outside their normal work hours continues beyond the normal beginning of their shift.
- Employees may be granted paid leave under this policy to provide voluntary “hands-on” services to their communities as a part of an organized community service project sponsored by a community service organization. For example, an employee could be granted community service leave to deliver meals to the elderly or to needy community citizens; however, community service leave is not appropriate to attend a planning meeting or social event for the organization providing these services.
- Employees with children may be granted paid leave under this policy to:
 - meet with a teacher or administrator of a public or private preschool, elementary school, middle school, or high school concerning their children, step-children, or children for whom an employee has legal custody; or
 - attend a school function in which such children are participating.
 - Additionally, any employee may be granted paid leave under this policy to perform volunteer work approved by any teacher or school administrator to assist a public preschool, elementary school, middle school or high school.
- An employee may be granted paid leave under this policy to assist in the education of his/her child, step-child, or child for whom the employee has legal custody in state-approved home education curricula, including meetings with local school board officials and required field trips.

Employees must receive approval from their supervisors prior to using community service leave. Additionally, if response to emergency situations as a member of a volunteer fire department or rescue squad will result in tardiness, employees must notify their supervisor according to college procedures to secure approval. Supervisors may require documentation of the employee’s participation in a community service event.

Community service leave may be used in increments of one hour at a time. A maximum of 16 hours of paid leave per calendar year will be made available to current employees on January 10 of each year and to new employees upon beginning employment.

Military Leave

Military leave, with and without pay, is used for service in the armed forces of the United States. A copy of the military orders must accompany requests for Military Leave.

For more information on all the leaves discussed above, the Department of Human Resource Management's policies and procedures should be reviewed at the web site www.dhrm.state.va.us.

Reporting Absences

Whenever possible, absences from work should be scheduled in advance, usually before the end of the last shift or workday preceding the leave, and approved in writing. In the case of sick leave use, this may not always be possible. When sick leave is used and is not approved in accordance with college policy, it is considered as an unscheduled absence.

Employees should check with their supervisors on the correct procedures for reporting absences or tardiness. Failure to report absences as directed and frequent unscheduled absences may result in unapproved leave and disciplinary action, up to and including discharge. Employees must submit leave forms within one workday of their return to work.

Overtime

Overtime is time worked by a non-exempt employee in excess of 40 hours in the employee's workweek. The time worked over 40 hours is compensated at a time and a half rate.

Permission to work any hours over one's regular schedule must be authorized by the employee's supervisor in advance of the extra time worked if possible.

Exempt employees are not eligible for overtime leave.

Compensatory Leave

A non-exempt employee shall earn compensatory leave when required by his/her supervisor to work:

1. additional hours in a work week in which the employee had taken a holiday or leave but has not worked more than a total of 40 hours; or
2. on an official office closing day if the employee is designated as an essential employee; or
3. on a holiday; or

4. on a scheduled day off.

Exempt employees shall earn compensatory leave when required by his/her supervisor to work:

1. on an official office closing day if the employee is designated as an essential employee; or
2. on a holiday; or
3. when the employee is required to work more hours in a work week than the supervisor believes is reasonably expected for the accomplishment of a particular, time-sensitive task.

Written authorization by the supervisor and appropriate college vice president, campus provost, or college-wide director is required prior to an employee earning compensatory leave.