

STAFF LEAVE

All professional and support staff employee's leave and absences shall be subject to school division policy and regulations. The superintendent shall provide for the interpretation and application of the school division's policies and regulations regarding leave and absences.

An employee who is absent and takes leave for any purpose other than the ones defined in this policy will not be considered within the limits of the School Board's authorized leave classifications. Such action by an employee may be grounds for disciplinary action up to and including dismissal.

A. Full-Time Employees

All full-time personnel will be entitled to participate in all leave benefits made available.

Full-time employment will be considered any single position that consists of a minimum work day of 6.0 hours, and a minimum of 176 calendar work days per school year.

B. Part-Time Employees

All part-time employees will be entitled to participate in the following leave benefits:

- Court Leave
- Personal Leave
- Sick Leave
- Military Leave
- Leave Without Pay

Part-time employment will be considered any single position that consists of a work week which is less than 30 hours (excluding bus drivers and bus assistants), and a minimum of 176 calendar work days per school year.

COURT LEAVE

An employee's absence from work to serve on jury duty or attend court as a witness is defined as court leave, and any compensation the employee receives for such service may be retained by the employee. An employee appearing in court as either a defendant or plaintiff in a case is not eligible for court leave, but may take leave without pay, personal or annual leave for such purpose at the employee's option.

An employee appearing for jury duty or witness service must submit a copy of the official summons or other satisfactory documentation to the immediate supervisor prior to the beginning date of such service.

If court leave requires the employee's absence for their full workday the employee will be paid their regular rate of pay for that day. If court leave requires the employee's absence for less than their full workday, the employee must contact their supervisor concerning their return to work in order to be paid for any part of the workday.

LEAVE WITHOUT PAY

The Gloucester County School Board provides a benefit package that includes many leave options to be used with discretion by employees. However, there are circumstances for which there is no applicable leave available. Therefore, leave without pay will be provided within the following guidelines:

1. In the event an employee has used all of the applicable sick leave and is still unable to return to work.
2. An employee elected and/or appointed to or campaigning for public office pursuant to File No. GBG is eligible for leave without pay.

3. An employee is eligible for leave without pay pursuant to the *Family and Medical Leave Act of 1993* (File No. GBDH).
4. An approved absence for religious observance.
5. The Superintendent may grant leave without pay under extenuating circumstances, for a period not to exceed ten (10) consecutive working days. Such leave shall only be considered upon written application from the employee and the recommendation of the employees' immediate supervisor. School Board approval shall be required when greater than ten (10) consecutive working days of leave without pay are requested.
6. An employee on leave without pay will be eligible to appointment to the first vacant position for which he/she is qualified and/or certified after giving written notification to the School Board of intent to return. If there is no vacancy by the end of such leave, the right of rehire shall extend up to twelve (12) additional months.
7. Leave without pay may be granted to employees of the school division who have a debilitating or life-threatening illness or injury and who are not eligible for Family Medical Leave as described in Policy GDBH because they have not worked for the division for 12 months or have not worked at least 1250 hours within the last 12 months according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.
 - Employees with a debilitating or life-threatening illness who are entitled to leave under this policy may take up to thirty 30 days unpaid leave during their first year of employment with the school division. Leave may be taken only in full-day increments. Leave may be taken only when the employee has no other leave available.
 - Employees must submit medical documentation of their need for leave. Whenever possible, documentation must be provided prior to leave being taken.
 - Prior approval must be obtained prior to leave being taken.
 - All rights under this section of this policy expire at the end of the employee's first year of service.
8. The per diem deduction in pay for leave without pay absences will be determined by dividing the number of contract days into the employee's annual salary.
9. Leave allowances will not accrue during leave without pay, but will be maintained provided the leave is for no longer than three (3) years.
10. Credit for teaching or work experience will not be earned during the period of leave.
11. Retirement benefits in VRS do not accrue during a leave without pay.
12. Employees who are on unpaid leave pursuant to this policy or any other policy, except those on leave pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), may not engage in work for which they receive pay or any other type of remuneration, without the prior written approval of the Superintendent.
13. If an employee is absent from work without approved leave and fails to properly contact his/her supervisor or other authorized administrator for one (1) or more work days (unless a confirmed emergency or extenuating circumstance prevents communication), the employee will be subject to disciplinary action, up to and including termination (File No. GBDG-R).

PERSONAL LEAVE

1. All full-time employees who are eligible for sick leave are also eligible for three (3) days of paid personal leave annually. Part-time employees who are eligible for sick leave are eligible for one and a half (1.5) days of paid personal leave annually.
2. Personal leave may not be used to extend a holiday, vacation, or other leave except as specifically approved by the employee's immediate supervisor.

3. Personal leave will be credited to each employee at the start of their contractual year. Employees hired after February 1 will not earn personal leave for that contractual year. Personal days may not be taken prior to being earned.

- 4. Employees will be allowed to transfer one earned day of sick leave to personal leave per contractual year.
- 5. Personal leave must be submitted for approval to the employee’s immediate supervisor at least three (3) working days in advance, when appropriate.
- 6. Unused personal leave may be accumulated to five (5) days. Any earned personal leave in excess of five (5) days will automatically credit to sick leave.
- 7. Personal leave may be taken in quarter-day increments. Personal leave should be scheduled so as not to impede or interfere with the work schedule, the instructional program, and/or the operation of the school division.
- 8. Full-time employees who voluntarily terminate their employment after sixty (60) consecutive months of employment with the Gloucester County school system will be paid \$25 per day for any unused personal leave. Employees who are involuntarily terminated by Gloucester County Public Schools or who do not provide their administrator with at least two (2) weeks of advance notice of their intent to resign, shall forfeit eligibility for leave payout.
- 9. Employees who retire after 60 consecutive months of employment with the Gloucester County school system will have their unused personal leave balance rolled into their sick leave balance for payout according to the sick leave payout schedule found in the “Sick Leave” section below.

PROFESSIONAL LEAVE

Personnel representing the school division at professional functions may attend without loss of leave time or pay, when approved by their immediate supervisor and the Superintendent or his/her designee.

SICK LEAVE

- 1. Sick leave shall be earned at the rate of one (1) day of leave per full month worked. For example:

<u>Contract Length</u>	<u>Number of Days Earned</u>
10 months	10 days
11 months	11 days
12 months	12 days

For Plan 1 and Plan 2 VRS employees sick leave accumulation is unlimited. VRS Hybrid Plan employees may accumulate a maximum of ninety (90) days of sick leave. June shall be counted as a full month worked for those employees whose contract required them to work only until the end of the school year.

- 2. All employees will receive advanced credit for their annual sick leave. Posting of the leave will be determined by length of contract/schedule. Upon termination of employment, usage of unearned leave will be deducted from final pay.
- 3. Part-time employees will earn sick leave days in the same manner as full-time employees, except that a sick leave day will be equal to the length of their part-time workday and prorated commensurate with the fractional part of the full-time allowance.
- 4. Sick leave will not be available for summer school, evening, or temporary employees.
- 5. Sick leave may be taken in quarter-day increments.
- 6. All new employees may transfer up to ninety (90) days of sick leave to the Gloucester County School Division. It is the responsibility of the employee to accomplish this transfer. An employee new to the school division cannot claim any earned (transferred or advanced) leave until after he/she has reported to duty.

7. A returning employee is entitled to use accrued sick leave, even though the employee may not have reported for duty at the beginning of the school term.
8. Sick leave may be denied to any employee who makes a false statement of sickness; such false statement may be cause for dismissal.
9. Sick leave may be used for personal illness and illness in the immediate family. Absence from work for more than five (5) business days will require medical documentation. The immediate family includes: natural parents, foster parents, adoptive parents, stepmother, stepfather, wife, husband, children, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents, grandchildren, grandparents-in-law, and any other household member of the employee (any other household member of an employee is limited only in that the person, however distantly related or not, must live in the household of the employee).
10. With regards to Family and Medical Leave (File No. GBDH), to the extent that an employee is entitled to compensated leave under other Gloucester County school division policies, such paid leave shall be substituted for unpaid FMLA leave. All employees who are out on FMLA leave, and also qualify for short-term disability, shall only substitute sick leave for unpaid FMLA leave. After the first year of employment Hybrid VRS employees who also qualify for short-term disability shall only substitute five (5) sick leave days for unpaid FMLA leave.
11. Attendance and sick leave will be posted monthly. Payroll deductions will be made at the daily rate of pay for absent employees who have no sick leave.
12. Full-time employees who voluntarily terminate their employment after sixty (60) consecutive months of employment with the Gloucester County school system will be eligible for one (1) of the following options (but not both): (a) paid \$25 per day for any unused sick leave; (b) transfer unused sick leave balance to receiving school division (or other applicable governmental agency). Employees who are involuntarily terminated by Gloucester County Public Schools or who do not provide their administrator with at least two (2) weeks of advance notice of their intent to resign, shall forfeit eligibility for leave payout.
13. Employees who retire after July 1, 2008 with a minimum of 60 months of consecutive, uninterrupted employment with Gloucester County Public Schools in a VRS covered position will be eligible for the following sick leave payout:

Less than 5 years	No leave payout
5 to 19 years	\$40 per day
20 to 24 years	\$45 per day
25+ years	\$50 per day

Those electing a leave payout will be afforded COBRA insurance extension only at a cost not to exceed 102% of the full premium rate.

14. Employees who: 1) retire after July 1, 2008 with a minimum of one hundred eighty (180) consecutive months of employment with the Gloucester County Public Schools system in a VRS covered position; and 2) have participated for a minimum of 24 months in the School Board's health insurance program immediately prior to retirement, may receive a contribution toward their health insurance with GCPS until the first of the month in which the retiree reaches Medicare eligibility. This contribution shall be \$4 per full year of consecutive GCPS service (immediately preceding retirement) per month capped at 30 years of service.

This contribution is in addition to the retiree health care credit received through the Virginia Retirement System and will range from \$60 to \$120 per month.

Employees who elect the \$4 per month, per full year of consecutive GCPS service, for GCPS insurance, forfeit any sick leave payout.

BEREAVEMENT LEAVE

1. All full-time and part-time employees who are eligible for sick leave are also eligible for up to three (3) work days of paid bereavement leave per fiscal year.
2. Bereavement leave will not be approved for the same individual (deceased) in more than one instance and will not be approved for the same individual over more than one fiscal year.
3. Bereavement leave will not be approved for reoccurring or annual events (memorial services, anniversaries, etc.).
4. Bereavement leave may be used for the loss of immediate family, which includes: natural parents, foster parents, adoptive parents, stepmother, stepfather, wife, husband, children, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents, grandchildren, grandparents-in-law, and any other household member of the employee (any other household member of an employee is limited only in that the person, however distantly related or not, must live in the household of the employee).
5. All full-time and part-time employees who are eligible for sick leave may also utilize up to two (2) additional accumulated days of sick leave, or leave without pay (LWOP) for bereavement.
6. Bereavement exceeding more than five (5) work days must be approved by the Division Superintendent or his/her designee.

WORK-RELATED ACCIDENT/INJURY LEAVE

1. This policy applies to all School Board employees regardless of employment status (i.e., part-time/full-time/temporary). It does not apply to persons who are working on school property as a result of a contract with another company or organization.
2. In work-related accident cases which qualify as compensable under the Virginia Workers' Compensation Act, and result in injury requiring absence from work, the employee will not receive compensation for the first seven (7) calendar days following the accident unless the employee elects to use his or her accrued leave. After seven (7) calendar days, the employee will be compensated by the division's Workers' Compensation insurance carrier, as required by the Virginia Workers' Compensation Act.
3. Medical documentation from an appropriate physician will be required to substantiate claims and/or to receive benefits from the division's Workers' Compensation insurance carrier. Physician's statements will need to include verification of inability to perform work related tasks.
4. With the appropriate physician's concurrence, an employee may be required to return to work on a modified duty assignment, if available, prior to resuming, in full, regularly assigned duties.
5. While an injured employee is out of work due to a Workers' Compensation injury, the following will apply:
 - a. The employee will not accrue leave;
 - b. The employee must pay the employer for the employee share of health benefits that is usually deducted from his/her salary, for a minimum of three (3) months or until FML is exhausted. After such time, health benefits will be extended only as allowed under COBRA;
 - c. The employer will extend the group life benefit, for a minimum of three (3) months or until FML is exhausted. After such time, the group life benefit will terminate;
 - d. The employee will be responsible for any/all other payroll deductions, for a minimum of three (3) months or until FML is exhausted. After such time, the benefits will terminate;
 - e. The employee will not receive retirement service credit; and
 - f. If the employee's salary exceeds the maximum weekly worker's compensation rate, the employee may choose to make up the difference by using accrued sick, personal, or annual leave time, if available.
6. In the event such employee will resign, abandon, or be discharged from employment, the employee will receive only such compensation as is prescribed by the Virginia Workers' Compensation Act, as amended.

MILITARY LEAVE AND BENEFITS

Leave

All employees of the Gloucester County School Board who are members of the state or federal military reserves are entitled to leaves of absence from their duties on all days during which they are engaged in federally funded military duty, including training duty, or when called forth by the Governor.

Immediately upon receipt of official notice to report for duty, the employee will notify his or her supervisor of the need for military leave. A copy of the official orders must accompany the leave request.

Pay/Paid Leave

All employees on military leave will receive up to 15 days paid leave per federally funded tour of duty. When possible, military leave for employees on less than a 12 month contract will be arranged during non-duty hours.

An employee who is scheduled for a physical examination for military service during working hours, including but not limited to pre-induction physicals, will be given paid leave.

In addition, full-time employees of the Gloucester County School Division whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component requires his or her absence from employment will receive supplemental pay equal to the difference between their military compensation and their regular school division compensation.

The employee will be permitted, upon request, to use any annual or personal leave that had accrued at the time military leave began.

Except as outlined above, military leave is unpaid.

Health Benefits

If the employee so desires, the employee and the employee's dependents may continue to participate in the division's group health plan for up to 24 months while the employee is on military leave. The employee must notify the Payroll Office if he or she wants to continue participation in the division's group health plan. Employees who elect to continue on the division's health plan will be responsible for the following payments:

- up to 102% of their health insurance premium
- up to 102% of their dental insurance premium
- up to 102% of any other supplemental insurance premium(s)

An employee reemployed after military leave will be treated as not having incurred a break in service for purposes of placement on the Gloucester County Public Schools' salary scale.

Retirement Benefits

An employee reemployed after military leave will be treated as not having incurred a break in service. The period of military leave will be considered service to the division for purposes of vesting and benefit accrual. The division is responsible for its pension plan funding obligation. The division is not required to make its contribution until the employee is reemployed.

The employee will be allowed, but not required, to make up his or her contributions to a contributory plan. The employee may repay his or her employee contributions for a period of up to three times the period of military service, but not to exceed five years. If the employee's retirement plan is contributory and the employee does not make up his or her contributions, he or she will not receive the employer match or the accrued benefit attributable to his or her contribution because the employer is required to make contributions that are contingent on the employee's contributions.

The employer and employee contribution will be calculated on the rate of pay the employee would have received but for the absence to serve military duty.

Reemployment

An employee who is entitled to military leave by reason of service in the federal military reserves is entitled to be reemployed by the School Board if

- the employee has given advance notice of the need for military leave (unless notice is precluded by military necessity or is otherwise impossible or unreasonable);
- the cumulative length of the absence, and of all previous absences of military service, does not exceed five years;
- the employee returns to work as outlined below.

If the employee was absent from work for

- less than 31 days, he or she must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
- more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days after the completion of service;
- more than 180 days, the employee must submit an application for reemployment within 90 days after the completion of service.

Employees who are entitled to military leave due to service in the Virginia military reserves must make written application for reemployment within (1) 14 days of release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services does not exceed 180 days or (2) 90 days of his release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services exceeds 180 days.

In accordance with the above guidelines, an employee will be restored to the same job he held before leaving or to a comparable job. The School Board is not obligated to reemploy persons returning from military leave in certain unusual situations specified by state and federal law.

Termination after Reemployment

A person who is reemployed after returning from more than 30 days of military duty will not be discharged except for cause

- within one year after the date of reemployment, if the person's period of military service before the reemployment was more than 180 days; or
- within 180 days after the date of reemployment, if the person's period of military service before the reemployment was more than 30 days but less than 181 days.

Discrimination Against Members of Military Reserves Prohibited

Members of the military reserves will not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership.

PROFESSIONAL STAFF SUMMER STUDY LEAVE

With the approval of the Superintendent, a twelve-month (12) professional employee may be granted leave without loss of pay for summer professional study on the following conditions:

1. An employee may take three (3) weeks of paid leave in any three-year (3) period.
2. An employee must use accrued annual and/or personal leave for time taken beyond the three (3) weeks.
3. The employee will have been in continuous employment with the Gloucester County School Board for three (3) consecutive years as a supervisor and/or administrator.
4. The employee will remain in the employ of Gloucester County Public Schools until July 1 of the year following the summer in which the leave has been granted. Failure to remain so will require the employee to repay the School Board for leave used in excess of any that is accumulated.

LEAVE FOR PARENT-TEACHER CONFERENCES

All employees of the School Board may be excused to attend conferences with their children's teachers. This leave is limited to one (1) hour per school-aged child each semester. Additionally, leave will be extended to employees whose children are enrolled in special education, in order to attend placement or other necessary meetings.

HOLIDAYS

Twelve month employees will be granted 14 official holidays within the school calendar year. The specific holidays will be granted by the School Board upon adoption of the annual school calendar.

The School Board has discretionary authority to revise the holiday schedule during the school year based on unforeseen circumstances.

ANNUAL LEAVE

All full-time, twelve-month employees are granted annual leave and are encouraged to take advantage of these leave days annually. Unless otherwise addressed by the employee's contract, the following criteria apply:

- A. Only full-time, twelve-month employees are eligible.
- B. Annual leave may be taken in quarter-day increments.
- C. Annual leave days may not be taken prior to being earned. The School Board's adopted school calendar (File No. IC/ID-C) may designate required annual leave days for all full-time, 12-month personnel. The maximum accumulated balances to be carried forward are as follows:

<u>Continuous Months of Service</u>	<u>Monthly Accrual*</u>	<u>Maximum Accumulated</u>
0 - 59	1.00 day	24 days
60 - 119	1.25 days	30 days
120 - 179	1.50 days	36 days
180 - 239	1.75 days	36 days
240+	2.00 days	36 days

* Monthly accrual increments will change on July 1st of the respective year in which service levels are met.

- D. Accrual of annual leave will not be limited during the fiscal year. The maximum accumulated annual leave, as set forth above, will be effective on July 1 of each year.
- E. Upon retirement or termination of employment (including death), an employee or the beneficiary will be paid his/her per diem amount for unused accumulated annual leave not to exceed the maximum allowed.

- F. When there is a break in employment service, the employee's annual leave accrual starts over (i.e., a 1.0 day per month).
- G. New employees cannot transfer annual leave days from his/her previous employer.

Annual leave requests are to be submitted to the immediate supervisor for approval. Annual leave should be scheduled so as not to impede or interfere with the work schedule or the operation of the school division. Annual leave will be taken at a time approved by the immediate supervisor.

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 June 8, 2010
 August 10, 2010
 April 15, 2014
 May 12, 2015
 March 14, 2017 – Effective July 1, 2017
 June 13, 2017 – Effective July 1, 2017
 January 8, 2019
 April 9, 2019 – Effective July 1, 2019

LEGAL REFERENCES: Consolidated Omnibus Reconciliation Act (COBRA)
 Virginia Workers' Compensation Act

Code of Virginia, 1950, as amended, §§ 44-93, 44-93.1, 44-93.3, 44-93.4, 44-102.1, 22.1-289.2, 22.1-296

8 VAC 20-460-20

29 U.S.C. §§ 207, 2601 et seq.

9 C.F.R. §§ 825.110, 825.600.

38 U.S.C. §§ 4312, 4313, 4316, 4317.

20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267.

CROSS REFERENCES:

GBDG-R	Staff Leave
GBDH	Family and Medical Leave
GBDH-E1	Certification of Health Care Provider for Employee's Serious Health Condition
GBDH-E2	Certification of Health Care Provider for Family Member's Serious Health Condition
GBDH-E3	Notice of Eligibility and Rights & Responsibilities
GBDH-E4	Designation Notice
GBDH-E5	Certification of Qualifying Exigency for Military Family Leave
GBDH-E6	Certification for Serious Injury or Illness of Covered Service member for Military Family Leave
GBDH-E7	Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave
GBDH-P	Employee Rights and Responsibilities Under the Family and Medical Leave Act (Poster)
GBDG-E	Leave Request Form
IC/ID-C	School Calendar