

# **Guidelines**

## **for**

# **Leave Management**

**Department of Human Resources**  
**Old Dominion University**  
**REVISED – April, 2009**

**GUIDELINES FOR LEAVE MANAGEMENT  
TABLE OF CONTENTS**

|   | <u>Page</u> |
|---|-------------|
| Provision of Leave  | 4           |
| Leave for Part-time Classified Employees                        | 5           |
| Annual Leave  | 5           |
| Leave to Donate Bone Marrow or Organs                           | 6           |
| Civil and Work Related Leave<br>(formerly Administrative Leave) | 6           |
| Compensatory Leave  | 8           |
| Emergency Closings/Inclement Weather Leave Use                  | 8           |
| Emergency/Disaster Leave  | 9           |
| Family and Medical Leave  | 10          |
| Holidays  | 13          |
| Leave Sharing   | 14          |
| Leave Without Pay   | 15          |
| Military Leave - Reserves                                       | 15          |
| Overtime Leave  | 16          |
| Public Health Emergency Leave                                   | 6           |
| Recognition Leave   | 16          |

|   |    |
|---|----|
| School Assistance and Volunteer Service Leave                   | 17 |
| Sick Leave – Accrual  | 18 |
| Sick Leave - Virginia Sickness and<br>Disability Program (VSDP) | 20 |
| VSDP Supplemental Leave Process                                 | 24 |
| Time Loss   | 24 |
| Unauthorized Leave  | 25 |
| Workers' Compensation Leave                                     | 25 |
| How Banner Applies Excess Leave Usage                           | 26 |
| Supervisors' Responsibilities                                   | 27 |
| Leave Record Keeping  | 28 |
| Leave Processing  | 28 |

## **GUIDELINES FOR LEAVE MANAGEMENT**

Leave policies and procedures for classified employees comply with the provisions of the Policies and Procedures Manual issued by the Commonwealth of Virginia Department of Human Resource Management. The leave policies allow classified employees to take paid and unpaid leave for several reasons, such as vacation, personal illness or family-related matters. These guidelines summarize the policies used to provide these types of leave, record keeping requirements and supervisors' responsibilities.

### **PROVISION OF LEAVE**

Classified employees accrue annual leave, which allows them to continue to receive full pay when they take time off from work. Classified employees have two different sick leave programs. Under the accrual system, they earn sick leave each pay period and under the Virginia Sickness and Disability Program, they are allotted a certain amount of sick leave and family/personal leave on January 10 of each year. Both types of sick leave will allow employees to continue to receive full pay when they take time off from work. Under certain conditions, classified employees may earn other paid leave, such as compensatory or overtime leave for extra hours worked. These leave balances also may be used to take time off from work with full pay. Employees who do not have adequate leave balances to cover necessary absences typically are placed on leave without pay. All leave except Recognition Leave Earned must be recorded via web time entry.

All leave time must be earned or allotted before it can be used by the employee. Employees are credited with annual leave at the end of each completed pay period of service. Employees in the accrual sick leave program are also credited with sick leave at the end of each completed pay period of service. Pay periods are the 10th through the 24th and the 25th through the 9th of the following month.

All accrued sick and annual leave is not available for use until the first day of the following pay period. No leave of absence with pay shall be granted in anticipation of future leave accruals or allotments.

As far as practicable, a leave of absence with pay will be granted at the time requested by the employee. Leave shall be requested in advance and is subject to the needs of the department. Where the need for or time of an absence cannot be anticipated (i.e. illness) and where conditions warrant, the supervisor may approve leave after an absence.

Payment for leave is an expenditure of state funds and employee leave records are subject to audit. No person shall receive pay for any leave taken in any pay period in which there was not sufficient accumulated leaves to cover the absence. Improper authorizations of leave may result in a financial obligation to the supervisor authorizing such leave.

### **LEAVE FOR PART-TIME CLASSIFIED EMPLOYEES**

Part-time classified employees accrue annual leave on a prorated basis for each pay period of service. Part-time classified employees in the accrual sick leave program also receive sick leave on a prorated basis for each pay period of service. Part-time classified employees in the VSDP sick leave program receive the appropriate allotments of family/personal leave and sick leave based on each pay period of service. Part-time classified employees are also eligible for prorated community service leave, administrative leave and workers' compensation leave. The same policy and record keeping requirements apply for part-time classified employees.

**ANNUAL LEAVE**

The annual leave policy allows all full-time classified employees to accrue annual leave at rates that correlate to the employees' years of service. Part-time classified employees receive annual leave on a prorated basis. Annual leave balances may be carried over up to maximum accrual rates. The 12-month period that the carry over is based on is January 10 through January 9.

The following chart shows the number of hours accrued and the maximum accrual rates (for full-time classified employees) based on years of service:

| <b>Years of Service</b>    | <b>Hours Earned Per Pay Period</b> | <b>Maximum Carryover Limit</b> | <b>Maximum Payment Limit</b> |
|----------------------------|------------------------------------|--------------------------------|------------------------------|
| <b>up to 5 years</b>       | <b>4 hours</b>                     | <b>192 hours</b>               | <b>192 hours</b>             |
| <b>5 through 9 years</b>   | <b>5 hours</b>                     | <b>240 hours</b>               | <b>240 hours</b>             |
| <b>10 through 14 years</b> | <b>6 hours</b>                     | <b>288 hours</b>               | <b>288 hours</b>             |
| <b>15 through 19 years</b> | <b>7 hours</b>                     | <b>336 hours</b>               | <b>288 hours</b>             |
| <b>20 through 24 years</b> | <b>8 hours</b>                     | <b>384 hours</b>               | <b>336 hours</b>             |
| <b>25 years and more</b>   | <b>9 hours</b>                     | <b>432 hours</b>               | <b>336 hours</b>             |

Annual leave is intended to be used as time off for vacations and other personal reasons. It may also be used for absences in excess of the credits available for other kinds of leave.

Annual leave credit is not provided during the pay period when:

- an employee is on unauthorized leave for any part of the pay period;
- an employee is on suspension without pay for any part of the pay period;
- an employee is on leave without pay for any part of the pay period;
- an employee is hired after the first day of the pay period;
- an employee has insufficient leave balances to cover an absence;

an employee has been absent for 90 consecutive calendar days, regardless of the type of leave to which the absence is charged.

When employees separate from state service, they will be paid for any unused annual leave, up to the maximum payment limits.

### **LEAVE TO DONATE BONE MARROW OR ORGANS**

This policy provides up to 30 workdays of paid leave in a calendar year to employees who donate bone marrow or organs and guarantees the employee's position will be available upon return. It may be granted to full-time, non-probationary, salaried employees, in addition to other paid leave, and does not count toward the 12-week period of Family and Medical Leave or periods of short-term disability leave. Medical certification of the employee's intent to donate bone marrow or an organ is required prior to approval of the leave. If it becomes medically necessary for an employee's BMOD leave to extend beyond 30 days in a calendar year, the time will be charged to other appropriate leave balances and may be considered FMLA leave or may qualify as short-term disability under VSDP. Employees who are on disciplinary suspension are not eligible to participate in this program.

### **CIVIL AND WORK-RELATED LEAVE** **(Formerly Administrative Leave )**

Civil and Work-Related Leave is granted to the employee to fulfill the civic duties and functions listed below. Agencies must permit employees to be away from work for these purposes:

As required by a summons to jury duty.

To appear as a crime victim or as a witness in a court proceeding or deposition as compelled by a subpoena or summons.

To accompany the employee's minor child when the child is legally required to appear in court.

To serve as an officer of election.

To serve as a member of a state council or board.

To attend his or her own naturalization ceremony.

To interview for other positions with the state.

To participate in resolution of work-related conflicts or of complaints of employment discrimination.

To attend work-related administrative hearings as a party or witness.

To attend one initial session at DHRM's Career Center and one subsequent visit per leave year thereafter.

To attend one initial session with the Employee Assistance Program per qualifying incident.

To prepare as a grievant for the grievance procedure. (Agencies may establish reasonable limits for this use of Civil and Work-Related Leave to prevent abuse of state time.)

To meet with agency Human Resource representatives and/or with the Department of Employment Dispute Resolution in accordance with the Grievance Procedure or related to a work matter affecting the employee for which a grievance has not been filed

To meet with the Office of Equal Employment Services of the Department of Human Resource Management for the purpose of discussing work problems related to violations of the state Equal Employment Opportunity Policy (Policy 2.05)

To participate in activities and proceedings of the mediation program.

Civil and Work-Related Leave is **NOT** granted for use by an employee:

Who is a defendant in a criminal matter, where criminal matter means either an alleged misdemeanor or felony;

Who has received a summons to appear in traffic court (except as a witness); or

Who is a party to a civil case, either as plaintiff or defendant, or who has any personal or familial interest in the proceedings.

Civil and Work-Related Leave is **not** available for employees to meet with attorneys.

Employees may charge to Civil and Work-Related Leave only the time away from work that is necessary to perform the appropriate duties plus reasonable travel time. Agencies may require documentation of the event to verify that it qualifies the employee to use Civil and Work-Related Leave.

Employees whose duties under Civil and Work-Related Leave conclude in time to complete a work shift should either return to work or request approval to charge the remainder of the shift for an appropriate leave type such as annual or family and personal leave.

Whenever possible, agencies should reschedule employees who regularly work the evening or night shift to a day shift schedule during the periods when they are required to appear in court proceedings to facilitate compliance with legal and policy provisions.

Employees are responsible for giving as much notice as possible to their supervisors in advance of the occasion for using paid or unpaid Civil and Work-Related Leave. Employees are responsible for returning to work as appropriate when the approved activity ends and for notifying their supervisors if they are unable to return to work as expected. Employees are responsible for providing appropriate documentation as directed by their agencies concerning events and travel time needed, and for completing appropriate leave requests.

### **COMPENSATORY LEAVE**

Compensatory leave is authorized leave with pay for hours worked on a holiday, on a scheduled rest day, during a closing as an "designated" employee, or for hours of overtime worked. Compensatory leave must be taken within 12 months from the date it was earned. Some exempt classified employees may be eligible to receive compensatory leave for overtime compensation with approval from their Vice President. This is only for unusual circumstances or out of the ordinary work requirements. There is no maximum accumulation of compensatory leave hours.

### **LEAVE USE DURING EMERGENCY CLOSINGS/INCLEMENT WEATHER**

When the University is closed due to emergencies or inclement weather, the following leave policies are in effect:

1. An employee who had previously requested to be on leave on the day that the University ended up closing, will not have his/her personal leave charged for that day. (example: employee had received approval for annual leave on February 15. The University closed due to snow. The employee would not be charged the 8 hours for annual leave. Rather, the 8 hours would be inclement weather (other) leave. If the University was closed for only part of the day, the same applies.
2. An employee who called in and did not report to work at all on a day that the University was closed for part of the day, will only have to take personal leave for the hours not affected by the closing. (example: employee did not report to work at all – University closed at 10:00 a.m. – employee is only charged two hours (8:00 a.m. to 10:00 a.m.) of personal leave.
3. Designated employees who work during a closing will receive compensatory leave for the hours worked during their normal shift. If they work beyond their normal shift, they will be compensated appropriately under the FLSA depending upon whether they are exempt (compensatory leave) or non-exempt (overtime leave).
4. Non-designated employees who work during a closing will NOT receive compensatory leave except in extenuating circumstances approved by the President.
5. Employees who are allowed to leave work prior to the University officially closing will be charged personal leave for the hours between the time they left and the University officially closed.



6. Employees who arrive late to work due to transportation difficulties will not have their personal leave charged when the supervisor determines the late arrival to be justifiable in view of the conditions.

### **EMERGENCY/DISASTER LEAVE**

State agencies can grant up to 80 hours of paid leave annually to qualifying employees who are called away from their regular jobs to provide specific kinds of emergency services during defined times of state and/or national disaster. 80 hours of paid leave can also be granted annually to employees who are victims of disasters that meet specific criteria. An employee will continue to receive his/her normal salary for up to 80 hours while using approved Emergency/Disaster Leave.

An employee may be granted leave to provide emergency services, if all of the following criteria are met:

The area is covered by an official declaration of major disaster by the President of the United States, or a declaration of a State of Emergency by the Governor of Virginia or another state;

Public Officials at the site of the disaster have requested the assistance of individuals with specialized skills or training;

The employees possess the required specialized skills of training requested by the authorities;

Employees present written requests to provide emergency services and obtain approval prior to using leave.

An employee may be granted leave as the victim of a disaster if he/she has sustained severe or catastrophic damage to or loss of his/her primary personal residence, or has been ordered to evacuate that residence, as a result of a natural or man-made emergency or disaster. To be granted leave, all of the following criteria must be met:

The event resulted in a formal declaration of a State of Emergency or of federal disaster status;

The employee's home was located in the officially declared disaster area;

Formal documentation from recognized disaster relief organizations or insurance companies verifies severe, extreme, or catastrophic damage to or loss of personal property as a result of the declared emergency in which the damage or required

evacuation rendered the employee's home temporarily or permanently uninhabitable.

## **FAMILY AND MEDICAL LEAVE**

The Family and Medical Leave Act (FMLA) of 1993 requires the employer to give eligible employees job-protected leave for the birth, adoption, or foster care of a child; or the serious health condition of the employee or the employee's immediate family member. Supervisors should contact the Department of Human Resources immediately for guidance when it appears an employee will be out for an extended period. FMLA requires prompt notification of the provisions of the Act to affected employees.

### **Definitions:**

|                          |   |   |
|--------------------------|---|---|
| Eligible employee        | - | those employed for at least 12 months by the agency and who have provided at least 1250 hours of service during the 12 month period prior to the leave request.   |
| Immediate family member  | - | the employee's child, spouse or parent.   |
| Child                    | - | biological, adopted or foster child; step child, legal ward, or a child for whom the employee has day-to-day responsibility; child must be under 18 years of age; <b>Exception:</b> May be 18 or older if incapable of self-care. |
| Spouse                   | - | the employee's husband or wife.   |
| Parent                   | - | the person who acted as the employee's parent when the employee was a child. The term <b>does not</b> include a parent-in-law.  |
| Serious health condition | - | an illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider.  |

### **Leave Benefits under FMLA:**

Eligible employees are entitled to 12 weeks of unpaid leave during a calendar year for the following

circumstances:

1. birth, adoption or foster care of a child;
2. serious health condition of a spouse, child or parent;
3. serious health condition of the employee.

If both spouses work for the same employer, they are entitled to an aggregate of 12 weeks of leave per calendar year period for birth, for placement for adoption or foster care, or to care for a sick parent. However, if leave is for a seriously ill spouse or child or for the employee's own serious illness, the husband and wife are each entitled to a 12-week period. Certain kinds of paid leave, according to applicable agency leave policies, will be substituted for unpaid leave.

**Use of Paid Leave:**

The agency will require employees eligible for paid leave to use their accrued paid leave at the beginning of the 12-week FMLA-approved leave period. Classified employees in the accrual sick leave system or the Virginia Sickness and Disability sick leave program (VSDP) and Faculty/Faculty Administrators in the VSDP who are approved for FMLA leave for qualifying family reasons may use up to 33% of their personal sick leave hours held at the beginning of the FMLA leave. The types of paid leave that may be used are:

| <b>Leave Under the Act</b>          | <b>Accrued Paid Leave for Use (as applicable)</b>  |
|-------------------------------------|--|
| Birth, adoption, foster care        | annual, compensatory, overtime, personal, recognition, 33% of available sick leave (as stipulated above)                 |
| Care for spouse, child, or parent   | family sick, personal, annual, overtime, or compensatory, recognition, 33% of available sick leave (as stipulated above) |
| Employee's serious health condition | sick, annual, personal, compensatory overtime, recognition   |

According to state policy provisions, classified employees are provided paid leave for personal health reasons through the use of their accrued sick leave balances, VSDP sick leave balances, or short-term disability. Employees may also use their accrued annual, compensatory, or overtime leave balances for absences due to health reasons.

Note: Classified employees in the accrual sick leave system and faculty/faculty administrators in the Old Dominion University sick leave system are permitted to use up to 48 hours of sick leave for short-term family illnesses in the 12-month period from January 10 through January 9 (This period

applies to classified. Fiscal year is the period for faculty). Classified employees and faculty/faculty administrators in the VSDP sick leave system are not covered by this provision. However, they may use 33% of their available sick leave balance prior to using other types of leave as stipulated above.

### **Employee Responsibilities:**

An employee must give 30 days advance notice to the supervisor of the need to take FMLA leave when it is foreseeable for the birth or placement of a child for adoption or foster care, or for planned medical treatment. When it is not possible under the circumstances to provide advance notice, the employee must notify the supervisor as early as is practicable (usually within one to two workdays of when the employee learns of the need for leave).

If an employee takes leave based on planned medical treatment for the employee or the employee's child, spouse or parent, the employee must also make reasonable efforts to schedule the treatment to minimize disruptions to their department's operations.

### **Supervisor Responsibilities:**

Supervisory staff are responsible for notifying the Department of Human Resources immediately upon request for or notification of an employee's FMLA leave. They are also responsible for informing Human Resources when an employee has been absent due to health reasons for more than five (5) consecutive workdays. Human Resources will provide formal notification to the employee of his/her FMLA status. Additionally, supervisors must approve intermittent leave work schedules and Human Resources should be notified of any change in the employee's status as soon as the supervisor is notified. The supervisor is responsible for the timely submittal of leave forms.

### **Medical Certification:**

A request for leave due to a serious health condition must be supported by a certification from the health care provider. This includes the employee's or family member's health care provider. The certification should include the date on which the health condition began and its probable duration. The certification for a family member should include a statement from the health care provider that the employee is needed to care for the family member. The medical certification should be provided within 15 work days of the request to use FMLA leave. Upon return to work, employees must provide a medical release statement to their supervisors. The employer, at its expense, may require a second medical opinion. Failure to provide medical certification invalidates the FMLA coverage and may result in disciplinary action.

### **Intermittent Leave:**

An employee may take leave intermittently (take a day or days periodically when needed) or use

leave to reduce the workday or workweek, resulting in a reduced work schedule. The supervisor must approve these variations if the employee is taking leave for the birth, adoption or foster care placement of a child.

For leave related to a serious health condition, the supervisor's consent is not required when an employee needs to use intermittent leave that is medically necessary. Employees are encouraged to provide proper notice to the supervisor even though the supervisor's permission to use FMLA leave is not required.

Medical certification for intermittent leave should include the following information:

- a statement confirming the necessity for intermittent leave;
- the planned duration of the medical treatment;
- the expected dates for the medical treatment.

The supervisor may request medical certification to verify that the actual work hours or days missed were medically necessary. The employee may be reassigned to an alternative position that could better accommodate the use of an intermittent leave schedule.

### **Benefit and Job Protection:**

The employer will continue to provide health insurance coverage and pay its portion of the premium under its group health plan during the leave period at the same level and conditions as if the employee had continued to work.

The employer will place classified employees who return from leave under the FMLA in their same jobs unless extenuating circumstances occur. Should extenuating circumstances occur, employees returning from leave under the FMLA will be placed in a job with equivalent status and pay.

### **HOLIDAYS**

The Commonwealth typically observes 12 holidays. There may be more if the Governor schedules additional holiday time. In order to be eligible for holiday pay, employees must work or be on paid leave the workday before and the workday after the holiday. The only exceptions are where holidays fall on the first or last workday in a pay period.

Holiday pay is for eight hours. Classified part-time employees receive holiday pay based on their percentage of full-time employment. For example, a 50% classified part-time employee would be entitled to four hours of holiday pay.

If a holiday falls on an employee's scheduled day off, the employee will be credited with eight hours of compensatory leave. An employee, who has to work on a holiday, will get pay for the time worked and be eligible for compensatory time for the holiday missed.

## **LEAVE SHARING**

The Commonwealth's Leave Sharing policy permits a classified or faculty administrator employee to donate annual leave to a classified employee in the accrual sick leave system who has exhausted his/her leave balances for health-related reasons or to a classified employee in either the accrual sick leave system or the Virginia Sickness and Disability Program who has exhausted his/her leave authorized for the care of an ill or injured family member (parent, spouse, or child) and who is covered by the Family and Medical Leave Act. The recipient will use these donations as sick leave.

It is a direct share program where leave donations are given from the donor to a specific recipient. It is not a leave bank. All full-time and part-time classified employees in the accrual sick leave system are eligible to become recipients. Leave sharing hours will be prorated for part-time classified employees.

In order to receive donations through this program, an employee:

1. for personal illness, must have depleted all leave balances;
2. must be absent due to an illness or injury which requires medical attention as certified by a physician;
3. for family illness or injury, must have depleted all authorized leave for that purpose and be covered by the Family and Medical Leave Act;
4. must initiate the leave share request by contacting the Department of Human Resources. If the employee is unable to make this contact, the supervisor may file the request.
5. must provide the required medical certification from a physician;
6. must not solicit leave donations from fellow employees. The Department of Human Resources is responsible for obtaining donations.

The following medical conditions are not covered under the leave sharing program:

any job-related illness/injury for which workers' compensation benefits have been awarded;

any intentionally self-inflicted injuries;

any injuries occurring in the course of committing a felony or assault.

In order to donate leave through this program, an employee:

1. can only donate annual leave;

2. must donate leave in 8-hour increments (no limit applies);
3. must complete a Leave Sharing Program Donor Form and submit it to Human Resources;
4. cannot reclaim leave if the Donor Form has been processed;
5. may donate leave to family members who work in other Executive Branch agencies.

For all purposes other than the receipt of salary, employees receiving leave donations are considered to be on leave without pay status. This means that employees will not accrue leave and their service credit for annual leave accrual rate and sick leave payout will be adjusted for the period of leave without pay.

### **LEAVE WITHOUT PAY**

Leave without pay may be granted at the department's discretion for extended leaves of absence. There are two types of leave without pay that may be applied: unconditional and conditional. Employees placed on unconditional leave are guaranteed the right to return to their former positions at the conclusion of the absence. Under conditional leave without pay, employees are not guaranteed the right to return to their former positions, and departments may fill the positions as they determine the need.

Any leave of absence without pay for less than fourteen calendar days should be recorded via web time entry. Leaves without pay in excess of fourteen calendar days require a written request from the employee to their supervisor explaining the reasons for the leave, and the period of leave requested. A statement must accompany the leaves without pay due to health reasons from the employee's physician confirming the period of absence and an expected return to work date.

### **MILITARY LEAVE - RESERVES**

Employees who are members of any reserve component of the Armed Forces of the United States are eligible to take military leave with pay for up to 15 workdays in each federal fiscal year (October 1 through September 30) for federally funded military training duty. Military leave for up to 15 workdays shall also be granted to members of the Virginia Defense Force or the National Defense Executive Reserve when it is for training specifically approved by the Governor or his or her designee.

Employees must furnish their supervisor with some type of documentation from a responsible military official indicating the dates and type of required military training. Notice should be given prior to the beginning of the training. In cases of emergency call-up, employees shall notify their

supervisor of the call-up for duty as soon as possible.

Employees requiring more than 15 workdays for military training or to attend weekend drills shall be granted the time off for their military duty. At the employee's option, these absences may be charged to the employee's annual or compensatory leave balances, or leave without pay. Military leave without pay will be granted for active duty in the Armed Forces of the United States. Contact Human Resources for more information should this situation occur.

### **OVERTIME LEAVE**

Non-exempt classified employees are eligible to receive overtime leave at the rate of one-and-one-half hours for each hour worked in excess of 40 hours per work week. Overtime leave should not exceed a 240-hour balance and there is no expiration time limit for overtime leave use.

### **PUBLIC HEALTH EMERGENCY LEAVE**

Public Health Emergency leave applies to all state employees, including faculty and wage employees. The purpose of the leave is to protect the health of state employees and the public, and to provide continuity of services during times of pandemic illness. State agencies are required to provide eligible employees with up to 80 hours of paid leave annually when Communicable Disease of Public Health Threat conditions have been declared by the State Health Commissioner and the Governor.

### **RECOGNITION LEAVE**

Recognition leave may be awarded to classified employees to acknowledge their contributions to the overall objectives of the University. Recognition leave up to 5 work-days may be awarded to a classified employee (hourly employees are ineligible to receive leave) in a calendar (leave) year. The value of recognition leave awarded is not included in the computation of monetary awards the employee is eligible to receive per fiscal year.

The process for awarding recognition leave depends upon the guidelines established by the appropriate senior administrative area. An Immediate Recognition Form or a memorandum is required to award recognition leave, and should include the basis for the award and the amount of leave. The department should send the Form or memorandum to the Department of Human Resources. Human Resources will document the recognition leave for reporting purposes and notify the Payroll Office to credit the recognition leave for the employee.

When the employee uses the leave, it is recorded through web time entry. Recognition leave lapses within 12 months from the date it is awarded. However, the University may extend the 12-month retention period for recognition leave if the department has been unable to allow the employee to use the leave.



An employee will be paid in a lump sum for his/her recognition leave:

1. when the employee leaves state service by resignation, retirement, layoff, termination or death.
2. when the employee is transferred, promoted or demoted from one agency to another.
3. when the employee is placed on long term disability under the Virginia Sickness and Disability Program.

In addition, the University may pay employees for their recognition leave balances if:

- at the end of the 12-month period, the department has been unable to allow the employee to use the leave, or
- the employee moves from one department to another within the University.

### **SCHOOL ASSISTANCE AND VOLUNTEER SERVICE LEAVE**

Employees may take up to 16 hours of paid leave in the 12-month period from January 10 through January 9 to participate in service to their community. Such service may be provided through school assistance or as a volunteer member of a community service organization.

This type of leave may be used for reasons such as:

- Relief to physically or mentally challenged persons
- Relief to victims of natural disasters or catastrophes (where Policy 4.17, Emergency/Disaster Leave does not apply)
- Health services, emergency relief and shelter, transportation and preparation or delivery of meals and other direct health or welfare services for the economically disadvantaged
- Community services which assist residents, including child and youth development
- Responding to emergencies as a volunteer fire department/rescue squad member
- Serving as a volunteer with organizations such as the American Red Cross, Habitat for Humanity, or Meals on Wheels
- Participating in school activities including meeting with teachers or school administrators, attending school functions, or performing volunteer work

Schools for which this leave may be approved include any public pre-school, elementary, middle, or high school. This term may include private schools ONLY if the employee has children or stepchildren or children for whom the employee has custody attending the private school.

Excluded is service provided through a church where the only recipients of the service are the constituents of the church or activities involving political groups or causes.

This leave requires prior approval for leave use and cannot be carried over from one year to the next nor paid upon separation from state service. Supervisors may require written verification from officials of the community service organization or from a school administrator or teacher.

When feasible, leave should be granted for the period of time requested by the employee. The supervisor may deny or require the leave to be taken at a different time based on the needs of the department.

## **SICK LEAVE**

Employees hired prior to January 1, 1999 can be in one of two sick leave programs.

### **Accrual Sick Leave Program:**

Under the accrual system, classified employees earn sick leave each pay period at the rate of five (5) hours per pay period. The accrual occurs at the end of the pay period. There is no maximum accrual amount.

When employees with five years or more of state service separate from state service, they will be paid for 25% of their unused accrued sick leave – up to a maximum of \$5,000.

Sick leave will allow employees to continue to receive full pay when they take time off from work for health-related reasons. Accrued sick leave is a privilege to be used for valid health reasons and may be taken for any one of the following purposes:

an illness or injury incapacitating the employee from performing his or her duties;

an exposure to contagious disease such that the employee's presence at work could jeopardize the health of others;

a physician's appointment for examination and treatment related to health (this includes medical, dental, and optical appointments);

conditions or health problems that prevent employees from performing their duties, including those caused or contributed to by pregnancy or childbirth;

an illness or death in the immediate family.

Under the accrual sick leave policy, use of sick leave for maternity reasons is limited to the number of days certified by a physician as medically necessary. If additional leave time is requested beyond the period of medical disability, this time must be charged to annual leave, other paid leave, or leave without pay.

### Family Sick Leave

"Immediate family" is defined as parents, spouse, children, brother or sister, and any relative (either blood or by marriage) living in the household of the employee. Stepparents, stepchildren, and stepsiblings are also included in the definition of "immediate family." The sick leave policy restricts the use of accrued sick leave for illness or death of an immediate family member to 48 hours (6 days) in the 12-month period from January 10 through January 9. Employees cannot use personal sick leave for short-term family illnesses to avoid charging annual leave once they have reached the 48-hour limit.

The Family and Medical Leave Act (FMLA) of 1993 requires the employer to give eligible employees job-protected leave for the birth, adoption, or foster care of a child; or the serious health condition of the employee or the employee's immediate family member. Employees who are approved for FMLA leave for qualifying family reasons may use up to 33% of their personal sick leave hours held at the beginning of the FMLA leave. Please refer to the Family Medical Leave guidelines on page 15 for further information.

Employees are encouraged, when possible, to schedule medical appointments during non-work hours. Sick leave applies to the time required for the medical appointment plus reasonable travel time. Supervisors may request a physician's verification of the medical appointment to cover the period missed.

### Verification of Sick Leave

Supervisors may request a physician's certification of illness which indicates that the employee is temporarily unable to work and the estimated period of absence when employees are out for personal health reasons. If a supervisor requests an employee to produce a physician's statement to verify absences for health reasons, and the employee fails to produce the verification, the supervisor can charge the employee's annual leave balance or consider the leave to be unauthorized. Disciplinary action may also be taken. Employees who have been out for extended periods of time for health reasons and who are able to return to work must provide the supervisor with a statement from their physician that they have been released to return to work.

Sick leave is not accrued during the pay period when:

an employee is on unauthorized leave for any part of the pay period;

an employee is on suspension without pay for any part of the pay period;

an employee is on leave without pay for any part of the pay period;

an employee is hired after the first day of the pay period;

an employee has insufficient leave balances to cover the absence;

an employee has been absent for 90 consecutive calendar days, regardless of the type of leave to which the absence is charged.

**Virginia Sickness and Disability Program:**

Employees hired after January 1, 1999 and those currently employed January 1, 1999 who chose to enroll are provided sick leave and family/personal leave under the Virginia Sickness and Disability Program. A third party, UNUM, administers this program. Current employees are allotted a certain amount of sick leave and family/personal leave on January 10 of each year as shown on the following chart:

**Full-time Classified Employees:**

| <u>Months of State Service</u> | <u>Sick Leave Hours</u> | <u>Family/Personal Leave Hours</u> |
|--------------------------------|-------------------------|------------------------------------|
| Fewer than 60 months           | 64                      | 32                                 |
| 60 to 119 months               | 72                      | 32                                 |
| 120 months or more             | 80                      | 40                                 |

**Part-time Classified Employees:**

| <u>Months of State Service</u> | <u>Sick Leave Hours</u> | <u>Family/Personal Leave Hours</u> |
|--------------------------------|-------------------------|------------------------------------|
| Fewer than 120 months          | 32                      | 32                                 |
| 120 months or more             | 40                      | 40                                 |

New employees are allotted a certain amount of sick leave and family/personal leave on their hire date as shown on the following chart:

**New Full-time Classified Employees:**

| <u>Employment Begin Date</u> | <u>Sick Leave Hours</u> | <u>Family/Personal Leave Hours</u> |
|------------------------------|-------------------------|------------------------------------|
| January 10 – July 9          | 64                      | 32                                 |
| July 10 – January 9          | 40                      | 16                                 |

**New Part-time Classified Employees:**

| <u>Employment Begin Date</u> | <u>Sick Leave Hours</u> | <u>Family/Personal Leave Hours</u> |
|------------------------------|-------------------------|------------------------------------|
| January 10 – July 9          | 32                      | 32                                 |
| July 10 – January 9          | 20                      | 16                                 |

Neither VSDP sick leave or family/personal leave may be carried over at the end of the calendar year or paid out upon the employee's separation.

VSDP sick leave will allow employees to continue to receive full pay when they take time off from work. However, VSDP sick leave is only used for the waiting period prior to an absence under short-term disability or for illness not qualifying as short-term disability. Family/personal leave may be used for absences due to personal and family reasons, as well as for personal illnesses or injuries. It may also be used for time off for vacation or for absences in excess of the credits available for other kinds of leave.

VSDP sick leave is a privilege to be used for valid health reasons and may be taken for any one of the following purposes:

- an illness or injury incapacitating the employee from performing his or her duties which does not qualify for short-term disability;

- an exposure to contagious disease such that presence on duty could jeopardize the health of others;

- a physician's appointment for examination and treatment related to health (this includes medical, dental, and optical appointments);

- conditions or health problems which do not qualify as short-term disability that prevent employees from performing their duties;

- the seven (7) day waiting period prior to an absence under short-term disability.

Under the VSDP sick leave policy, use of sick leave for maternity reason qualifies as short-term disability and will be limited to the number of days certified by a physician as medically necessary. If additional leave time is requested beyond the period of medical disability, this time must be charged to annual leave, other paid leave, or leave without pay.

The Family and Medical Leave Act (FMLA) of 1993 requires the employer to give eligible employees job-protected leave for the birth, adoption, or foster care of a child; or the serious health condition of the employee or the employee's immediate family member. Employees who are approved for FMLA leave for qualifying family reasons may use up to 33% of their personal sick leave hours held at the beginning of the FMLA leave. Please refer to the Family Medical Leave guidelines on page 15 for further information.

Verification of Sick Leave

Supervisors may request a physician's certification of illness which indicates that the employee is temporarily unable to work and the estimated period of absence when employees are out for personal health reasons and the absence does not qualify for short-term disability. If a supervisor requests an employee to produce a physician's statement to verify absences for health reasons, and the employee fails to produce the verification, the supervisor can charge the employee's annual leave balance or consider the leave to be unauthorized. Disciplinary action may also be taken.

Employees are encouraged, when possible, to schedule medical appointments during non-work hours. VSDP sick leave applies to the time required for the medical appointment plus reasonable travel time. Supervisors may request a physician's verification of the medical appointment to cover the period missed.

Short-Term Disability Benefits:

Under the VSDP, employees who must be out for extended periods of time for health reasons must contact UNUM at 1-800-652-5602 and seek qualification for short-term disability. The UNUM staff will work with the employee's physician to determine whether the health condition qualifies for short-term disability and the length of the period of short-term disability. An employee does not use VSDP sick leave or any other leave hours when he or she is out on short-term disability unless he or she is supplementing periods of 80% or 60% pay in order to receive 100% pay. Annual leave, family/personal leave, overtime leave, or compensatory leave can be used to supplement periods of 80% or 60% pay.

Employees on short-term disability are entitled to the following income replacement:

| <b>Months of State</b> | <b>Work Days of Income</b> | <b>Work Days of Income</b> | <b>Work Days of Income</b> |
|------------------------|----------------------------|----------------------------|----------------------------|
|------------------------|----------------------------|----------------------------|----------------------------|

| <b>Service</b> | <b>Replacement at 100%</b> | <b>Replacement at 80%</b> | <b>Replacement at 60%</b> |
|----------------|----------------------------|---------------------------|---------------------------|
| Fewer than 60  | 5                          | 20                        | 100                       |
| 60 – 119       | 25                         | 25                        | 75                        |
| 120 – 179      | 25                         | 50                        | 50                        |
| 180 or more    | 25                         | 75                        | 25                        |

If the disability is due to a work-related injury compensable under the Virginia Workers' Compensation Act, the short-term disability program provides the difference between what the employee receives under Workers' Compensation and the short-term disability benefits as outlined in the following chart:

| <b>Months of State Service</b> | <b>Work Days of Income Replacement at 100%</b> | <b>Work Days of Income Replacement at 80%</b> | <b>Work Days of Income Replacement at 60%</b> |
|--------------------------------|--|---|---|
| Fewer than 60                  | 65   | 25  | 35  |
| 60 – 119                       | 85   | 25  | 15  |
| 120 – 179                      | 85   | 40  | 0   |
| 180 or more                    | 85   | 40  | 0   |

NOTE: Short-term disability benefits cover up to 125 days per incident or six months.

#### Long-Term Disability Benefits:

Long-term disability benefits provide income replacement if an employee is unable to work for a long period of time due to an illness or injury. Long-term disability benefits begin after short-term disability benefits end. The waiting period for long-term disability benefits is 6 months (the length of short-term disability coverage).

Long-term disability benefits provide an income replacement of 60 percent of creditable compensation. These benefits continue until the earlier of the following:

- The employee is able to return to work full duty and full schedule.
- The employee reaches normal retirement age.
- The employee's wages and salary exceed 85 percent of pre-disability earnings.
- The employee begins receiving a VRS service retirement benefit.
- The employee dies.

#### **VSDP SUPPLEMENTAL LEAVE PROCESS**

Employees in the VSDP sick leave system can supplement periods of short-term disability which are at 80% or 60% pay by using leave or disability credits (if applicable) to be able to receive 100% pay. Supervisors will be contacted by Human Resources staff when their employees move

to 80% and/or 60% pay and asked to call their employees and ascertain whether or not the employees wish to supplement this partial pay with leave or disability credits.

### **HOW TO ACCESS VSDP BENEFITS**

If you become ill or injured, and you expect to be unable to work for more than seven calendar days, call UNUM at 1-800-652-5602. If you are unable to call, a family member or your supervisor may call on your behalf. (You can even call before you miss work (for example, for planned surgeries or maternity leave).

The Customer Service Representative (CSR) at UNUM will collect some basic information from you, and make sure we know how to contact your licensed treating professional. The CSR will send you a benefit packet that describes the program and how to use your disability credits (if applicable).

The UNUM nurse will call your licensed treating professional. Together they will agree on a return-to-work plan for you.

If your return-to-work plan includes modified duty or restricted hours, the nurse will coordinate these arrangements.

UNUM will send information to the Department of Human Resources about how long you will be away from work and what your level of benefit will be. This information also determines the amount of your compensation.

The UNUM nurse will continue to assist you until you return to work.

The UNUM nurse will contact you and your licensed treating professional if your absence goes longer than expected.

For more information on the VSDP, consult the VSDP Handbook.

### **TIME LOSS**

An employee incurs a time loss when the employee is on leave without pay, is on unauthorized leave (absent without permission), or has insufficient leave balances to cover the absence. The employee's paycheck will be reduced by the number of hours of the time loss. When an employee has a time loss, the employee does not accrue annual or sick leave for the pay period in which the time loss occurred. A continuing pattern of time losses should result in the supervisor taking appropriate corrective action.

### **UNAUTHORIZED LEAVE**



The University will dock an employee's pay for the period of absence from work when such an absence is not subsequently justified to and approved by the supervisor. Such an absence is not treated as a suspension under the Standards of Conduct. When an employee is on unauthorized leave, he/she will not accrue annual and sick leave for that pay period.

### **WORKERS' COMPENSATION LEAVE**

Employees incapacitated by an injury or illness caused by their job and whose claim has been approved by the insurance carrier, shall receive workers' compensation leave with pay to cover their absences. (Note that coverage varies based on whether the employee is in the accrual sick leave system or the VSDP sick leave system. See chart on page 12 for VSDP information.) For the first 92 calendar days of absence, employees receive workers' compensation leave for the total period of absence. After 92 days, leave with pay may be extended for 60 workdays. After payment of the 60-day work supplement, for each workday missed, the employee will receive 2/3 workers' compensation leave. The employee may choose to charge 1/3 of their sick, annual or compensatory leave balance or request leave without pay to cover the total period of absence.

Workers' compensation leave cannot be recorded or compensated until the employee provides a physician's verification that the absence from work was due to the job-related injury or illness.

### **HOW BANNER APPLIES EXCESS LEAVE USAGE – ACCRUAL SYSTEM**

**TYPE OF LEAVE NOT AVAILABLE**      **OTHER LEAVE CHARGED (In order of charge)**

|                     |  |
|---------------------|--|
| Annual Leave        | Compensatory/Recognition/Overtime        |
| Community Service   | Compensatory/Recognition/Annual/Overtime |
| Compensatory Leave  | Recognition/Annual/Overtime              |
| Military Leave      | Compensatory/Recognition/Annual/Overtime |
| Overtime Leave      | Compensatory/Recognition/Annual          |
| Recognition Leave   | Compensatory/Annual/Overtime             |
| Sick Personal Leave | Compensatory/Recognition/Annual/Overtime |
| Sick Family         | Compensatory/Recognition/Annual/Overtime |

**HOW BANNER APPLIES EXCESS LEAVE USAGE – VSDP**

| <b><u>TYPE OF LEAVE NOT AVAILABLE</u></b> | <b><u>OTHER LEAVE CHARGED (In order of charge)</u></b>   |
|---|--|
| Annual Leave                              | Compensatory/Family-Personal/Recognition/Overtime        |
| Community Service                         | Compensatory/Family/Personal/Recognition/Annual/Overtime |
| Compensatory Leave                        | Family-Personal/Recognition/Annual/Overtime              |
| Family-Personal Leave                     | Compensatory/Recognition/Annual/Overtime                 |
| Military Leave                            | Compensatory/Family-Personal/Recognition/Annual/Overtime |
| Overtime Leave                            | Compensatory/Family-Personal/Recognition/Annual          |
| Recognition Leave                         | Compensatory/Family-Personal/Annual/Overtime             |
| Sick Leave                                | Compensatory/Family-Personal/Recognition/Annual/Overtime |

If Banner has used up all of the leave balances above and there is still an excess amount of leave taken, then the leave accounting system will automatically put the employee in a leave without pay status.

## **SUPERVISORS' RESPONSIBILITIES**

The supervisor is responsible for assuring that complete and accurate leave taken is submitted via web time entry by established deadlines. Supervisors have the authority to disapprove annual, family/personal, compensatory or overtime leave requests when sufficient leave balances are not available.

The accurate accounting of employee work hours is no less important than the accurate accounting of cash. The supervisor should:

Review hours worked and leave taken that the employee entered into Web Time Entry for accuracy – correct hours recorded to nearest tenth, correct leave codes, correct dates – return to employee for corrections if necessary – approve by the appropriate deadline each pay period;

Review the Summary Report of Leave Balances that is distributed quarterly;

Check for discrepancies between departmental records and Payroll records;

Resolve problems concerning leave balances;

Monitor employees' leave usage;

Identify patterns of leave abuse and take corrective action;

Not approve leave requests, unless an emergency, when employees do not have sufficient balances to cover the absences;

Notify Human Resources immediately for incidents of:

unauthorized leave  
leave without pay

extended leave without pay  
return from leave without pay  
extended absences due to illness  
FMLA-designated leave  
suspension  
separation

### **LEAVE RECORD KEEPING**

Even though we have gone to a leave submission system via the web, Leave Activity Reporting Forms (LARFs) and, for non-exempt employees, the weekly Time and Attendance Record Forms from the past 4 years (2004 through 2008) still need to be retained for current employees.

### **LEAVE PROCESSING**

All leave transactions are processed in the Banner Payroll system via web time entry by the employee and approved by the supervisor. The system processes leave in accordance with the state's leave policies and procedures. Banner provides management with leave reports and provides an audit trail of all actions which affect each employee's leave balances. In addition, Banner provides employees with their leave balances which is available through LeoOnline.