



# OLD DOMINION UNIVERSITY

## University Policy

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### Policy #6308

### ANNUAL LEAVE FOR ADMINISTRATIVE AND PROFESSIONAL FACULTY AND ELIGIBLE TEACHING AND RESEARCH FACULTY ON 12-MONTH CONTRACTS (INTERIM POLICY)

**Responsible Oversight Executive:** Vice President for Human Resources, Diversity, Equity, and Inclusion  
**Date of Current Revision or Creation:** July 1, 2024

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#### A. PURPOSE

This policy authorizes paid leave to administrative and professional faculty and eligible teaching and research faculty member for vacation or other personal purposes.

#### B. AUTHORITY

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning institution. Section 7.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[Board of Visitors Policy #1491 - Annual Leave Policy for Administrative and Professional Faculty and Eligible Instructional and Research Faculty on Twelve-Month Contracts](#) (Rescinded December 2021)

#### C. DEFINITIONS

Accrual Rate - The rate at which an employee earns paid time off.

Administrative and Professional (A/P) Faculty - Employees who perform work directly related to the management of the educational and general activities of the institution, department or subdivision or whose professional positions serve the educational, research, athletic, medical, student affairs, and development functions or activities of the institution.

Administrative and Professional (AP) Medical Faculty – Employees who have administrative or professional duties directly related to the management or administration of, or patient care services in, a clinical care setting on behalf of EVMS Medical Group.

Administrative and Professional (AP) Medical Restricted Faculty – Employees who have been accepted in the Eastern Virginia Medical School Graduate Medical Education (GME) Program and have the title of Resident, Chief Resident, or Fellow.

Leave Year - January 10th – January 9<sup>th</sup>

Legacy EVMS Faculty – A/P Faculty and Teaching and Research Faculty are non-clinical employees whose employment at the University began when Eastern Virginia Medical School became part of the University.

Maximum Carryover - The unused accrued annual leave balance an employee may carry from one leave year into the next.

Maximum Payment - The unused accrued annual leave for which the employee may receive payment upon separation or certain other status changes.

Teaching and Research Faculty - Employees whose work assignments primarily involve instruction, research, and scholarly activities, and who hold academic rank/titles.

Teaching and Research (TR) Medical Faculty - Employees who hold academic rank and whose work assignments primarily involve instruction, research, or scholarly activity for trainees in a clinical setting and/or the management or administration of, or patient care services in, a clinical setting and who have a faculty appointment in a department of the school of medicine.

#### **D. SCOPE**

This policy applies to administrative and professional (A/P) faculty (including librarians) and eligible teaching and research faculty on 12-month contracts. This policy is not applicable to classified staff, wage, or adjunct employee classifications.

#### **E. POLICY STATEMENT**

Old Dominion University, as a state agency and public institution, is supported by the Commonwealth of Virginia, a public employer committed to serving the interests of the taxpayers and ensuring accountability for using public funds effectively. Therefore, it is the policy of the Commonwealth and the University that faculty are not paid for time that they do not work, except when using appropriate leave time as set forth in policy by the University. This includes all full-time administrative and professional faculty (including librarians), and eligible teaching and research faculty on 12-month contracts.

#### **F. GENERAL PROVISIONS**

##### **1. Accrual Rate**

- a. Eligible faculty, including legacy EVMS Faculty, with 12-month appointments earn sixteen (16) hours of annual leave per month.
- b. Twelve-month teaching and research faculty who hold academic rank with departmental designation and have twenty-five (25) percent or less of their workload assigned to administrative duties are not eligible for annual leave.
- c. This annual leave is accrued in addition to university holidays granted to non-clinical faculty in accordance with the fourteen (14) holidays observed by the state.
  - i. A/P faculty employed on less than a twelve-month basis receives all state holidays scheduled during their employment period and annual leave at the rate of sixteen (16) hours per month.

- d. In accordance with Policy 1490, Administrative and Professional (AP) Medical Faculty earn thirteen and one-half hours (13.5) of annual leave per month (162 hours per year).
- e. TR Medical Faculty earn thirteen and one-half hours (13.5) of annual leave per month (162 hours per year).
- f. Annual leave for AP Medical Faculty and TR Medical Faculty is in addition to the following holidays provided to employees at EVMS Medical Group: Independence Day (July 4), Labor Day, Thanksgiving, the observed Christmas Day, the observed New Year's Day, Martin Luther King Jr. Day and Memorial Day. AP Medical Faculty and TR Medical Faculty who are required to work on a holiday when the university is closed shall be given up to 24 hours (3 days) per calendar year of compensatory time, which must be used within 12 months of such time being awarded.
- g. AP Restricted Medical Faculty receive three weeks (15 scheduled workdays) free of clinical or fellowship duties, per academic year that may be taken in accordance with Graduate Medical Education (GME) policies. GME trainees are responsible for the clinical care of the patients within the educational program and are not afforded the standard university holidays. The education committee of each individual training program has a set policy which guides the provision of national, state, and religious holidays
- h. A/P faculty who work less than 40 hours per work week accrue annual leave on a pro-rated basis.
- i. Annual leave is accrued monthly on the 16th day of the month.
- j. Annual leave will not be accrued during any month in which the faculty member is on a leave without pay status.
- k. Those whose initial appointment or contract period begins in the middle of a month will accrue annual leave for the month during which he/she is hired.
- l. Annual leave does NOT accrue in the following situations:
  - i. during any semi-monthly pay period when (a) the employee is on leave without pay (including leave sharing), or (b) no work is performed by the employee.
  - ii. when an employee is placed on unpaid leave/suspension without pay pending the results of an official investigation, or of a court action, or placed on unpaid disciplinary suspension.
  - iii. when an employee is on Leave Without Pay-Layoff or Temporary Work Force Reduction non-working status.
  - iv. when the employee is in non-working Long Term Disability (LTD) status through VSDP.

## 2. Annual Leave Advance

- a. A Vice President may authorize annual leave advances, i.e. granting of leave prior to it being accrued, when unusual circumstances dictate.
- b. Covered faculty members should submit a written request to their respective Vice President which explains the reasons for the request.
- c. Should a faculty member resign prior to working the entire period during which the leave would have been earned, a payroll deduction will be initiated to recover the salary amount of the leave advance.

## 3. Maximum Carryover

- a. For faculty members hired before July 1, 1993, the maximum leave carryover is 36 days (288 hours).

- b. For faculty members hired after July 1, 1993, excluding AP Medical Faculty, AP Medical Restricted Faculty, and TR Medical Faculty, a maximum of 20 days (160 hours) may be carried forward from leave year to the next.
  - c. AP Medical Faculty and TR Medical Faculty a maximum of 15 days (120) hours may be carried forward from leave year to the next.
  - d. Excess leave beyond the applicable 20/36 days (160/288 hours) or 15/36 days (120/288), will be purged after the last day of the leave year. Annual leave balances may exceed the carryover maximum (20/36 days or 15/36 days as applicable) during the leave year as a result of monthly accruals.
  - e. AP Medical Restricted Faculty cannot carry forward any leave.
4. Maximum Payout
- a. Upon separation, faculty members covered by this policy will receive a lump sum payment of unused annual leave up to 15 days (120 hours).
  - b. Faculty members can expect to receive the leave payout on the pay date subsequent to their last regular paycheck.
  - c. AP Medical Restricted Faculty are not eligible for leave payout.

## **G. PROCEDURES**

AP Medical Restricted Faculty shall follow the leave procedures of their program and the Graduate Medical Education Program. All other faculty shall follow the procedures outlined below:

### Supervisor's Approval

1. In the interest of work life balance a manager should attempt to approve an employee's request for annual leave when doing so does not adversely impact university operations.
2. Workload and office schedules should be arranged so as to allow each faculty member full benefit of his/her annual leave. It is not in the best interest of either the University or the individual member for the employee to work a full year with less than full annual leave.
3. Supervisors have the discretion to approve, deny, or rescind the use of annual leave because of departmental business requirements. Approval of leave may be rescinded if the needs of the department change.
4. Supervisors may establish additional procedures consistent with this policy. Eligible faculty should request leave in compliance with their department's internal procedures. Leave not requested in accordance with university and departmental procedures may be denied.

### Scheduling

1. Leave may be taken at any time subsequent to being earned but should be planned with regard to workload and office schedules.
2. Eligible faculty must request and receive approval from their supervisors to take annual leave.
3. The dates of the leave must be approved in advance by the supervisor.

4. Faculty should make their requests for leave as far in advance as possible.
5. Written (including e-mailed) requests and approvals for annual leave are recommended to provide documentation.
6. If a faculty member could not have anticipated the need for a leave, the employee should request approval for the leave as soon as possible after leave begins.
7. In reviewing unanticipated request for approval, the supervisor should consider all relevant matters, including
  - a. the circumstances necessitating leave,
  - b. whether the employee should have anticipated the need, and
  - c. the promptness with which the employee contacted the supervisor.
8. When a faculty member takes leave time that was requested but not approved, the employee may be subject to the following:
  - a. the absence may be designated as unauthorized;
  - b. the faculty member may not be paid for the time missed;
  - c. the faculty member may also be subject to disciplinary action.

#### Applicable Use

1. Eligible faculty may request and, if approved, use annual leave on their last scheduled workday before separation from state service, including retirement. Annual leave balances remaining after separation will be paid up to the maximum as provided in this policy.
2. Annual leave may be used to receive full pay during periods of Short-Term Disability or Long-Term Disability working disability benefit of less than 100% (hour for hour). ([See DHRM Policy 4.57, Virginia Sickness and Disability Program](#))
3. Leave Sharing - Faculty may donate from their accrued annual leave balance to other employees who are eligible to receive the donation. Donations are typically in 8-hour increments.

#### Leave Accrued, Used, or Paid In Error

1. Each faculty member is accountable for knowing their correct leave balance and accrual rate. The failure of university systems or errors by responsible employees does not remove that responsibility.
2. If it is discovered that a faculty member has accrued or used annual leave in excess of the amount to which they were entitled, incorrect balances must be corrected, and the employee may be required to repay the University for leave taken in error. Repayment may be made by:
  - a. deducting the excess hours from the employee's current leave balance, if adequate;
  - b. deducting from future accruals until the amount of over-use is repaid;
  - c. deducting the equivalent value of the leave time from the employee's pay over a time deemed reasonable by the Vice President or designee; or
  - d. a combination of methods as deemed appropriate by Vice President or designee.

- e. A written repayment agreement is required. If the faculty member does not complete repayment before separating from state service, the outstanding amount may be deducted from the final salary or leave payment.

**H. RECORDS RETENTION**

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

**I. RESPONSIBLE OFFICER**

Assistant Vice President for Human Resources and Strategic Initiatives

**J. RELATED INFORMATION**

[DHRM Policy #4.57- Virginia Sickness and Disability Program](#)

