

STAFF LEAVES AND ABSENCES

GENERAL PROVISIONS

- A. All professional staff employee leaves 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 leaves and absences.
- B. Leave (all categories) will be earned in a given month if the employee is contracted to work the majority of work days within that month.
- C. Leave (all categories) earnings for less than a full year of service shall be prorated based on number of months of actual service. This provision applies to those employees who do not begin work at the start of the contracted period or to those employees who do not complete the full contracted period.

SICK LEAVE

Sick leave is the assurance that the employee will have a regular income when unable to work because of personal illness. Sick leave may be used in the event of illness or death of a member of the immediate family. Immediate family is defined as the employee's wife, husband, children, brother, sister, natural parents, grandmother, grandfather, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandmother-in-law, grandfather-in-law, foster parents, stepmother, stepfather, stepchildren, stepsister, stepbrother, or any other relative, however distant, living in the household of the employee. Sick leave is a privilege and not a right, so it should not be abused. Unexcused absences may result in an employee's dismissal.

Ten (10), eleven (11), and twelve (12) month employees may earn a maximum of ten (10), eleven (11), and twelve (12) days respectively for each yearly contractual period beginning on the first day of their contract term. There will be no limit to the number of sick days a VRS Plan 1 or Plan 2 employee may accumulate. Because employees in the VRS Hybrid Plan have additional benefits through a short-term disability program, their sick leave accumulation will be limited to ninety (90) days of sick leave.

Employees Enrolled in the Virginia Local Disability Program (VRS Hybrid Plan Members):

Employees covered under the Virginia Local Disability Program are eligible for Short-Term Disability Benefits after the first seven days of illness are based on months of service.

Refer to the Virginia Local Disability Program Manual for complete program rules and regulations. The manual is available in the School Board Office or online under the "Publications" link found at www.varetire.org or <http://www.varetire.org/pdf/publications/vldp-handbook.pdf>.

The following provisions with regard to sick leave apply to all full-time personnel:

- A. Earnings for less than a full year shall be at the rate of one day per month or major fraction thereof. This provision applies to those employees who do not begin work at the start of the contracted period and to those who do not complete the full contracted period
- B. Employees shall be permitted to anticipate sick leave earnings for the contract year. Should the recipient of advanced sick leave terminate employment with the school system prior to earning the amount of sick leave used, the recipient will have the advanced days deducted from their salary.
- C. An employee cannot claim any portion of earned leave unless he has actually reported for duty in accordance with the terms of his contract. However, if an employee is unable, because of accident or illness, to begin work in accordance with the terms of his/her contract; such employee may use accumulated leave to his credit to not exceed such balances as of June 30 of the immediately preceding school year.
- D. Sick leave may be taken at the rate of ½ or 1 full day.
- E. The Superintendent shall have the authority to require reasonable proof of illness when deemed necessary. The Superintendent may require a doctor's certificate verifying illness if absences exceed two consecutive days. The school system may also require a doctor's certificate for each day of sick leave absence if a pattern of frequent and possibly abusive use of sick leave has developed by an employee. The building principal has the authority to request a doctor's note at any time.
- F. All requests for extended medical leave must be made in writing and accompanied by a doctor's note that lists the date the employee will be released to return to work.
- G. Sick leave cannot be transferred to or donated to any other division employee.
- H. Sick leave up to ninety (90) days is transferable to the Essex County School Division. It is the responsibility of the employee to accomplish the transfer.
- I. The School Board accepts the transfer of accumulated sick leave from other school systems in Virginia for professional instructional, administrative and supervisory personnel only.
- J. Unused sick leave will be paid to employees upon retirement from Essex County Public Schools at the rate of **\$25.00 per day with a maximum of 200 days**. To be eligible, an employee must have completed a minimum of five years uninterrupted service with Essex County Public Schools including the year of retirement.

Bus Driver's Sick Leave

Bus drivers shall be granted one (1) day per month of sick leave consistent with their contract runs. This equals ten (10) days per year.

PERSONAL LEAVE (excluding bus drivers and school nutrition workers):

- A. All full-time personnel (excluding bus drivers and school nutrition workers) shall earn three (3) personal leave days annually.
- B. A personal leave request on any teacher in-service or orientation workday; on scheduled parent conferences; or the day before or after a holiday period will not be granted without written permission and approval from the Superintendent. Such requests must be submitted at least two (2) weeks in advance to the employee's immediate supervisor for approval and then forwarded to the Human Resources Director. The Division Superintendent shall have discretion in the final approval.
- C. An employee must apply in advance in writing to the principal or supervisor for use of personal days. If approval procedures are not followed for personal leave, per diem pay will not be allowed.

- D. Should circumstances dictate that a written request in advance is not possible, the employee must submit a completed absence report the first day back at work to receive per diem pay.
- E. Personal leave may accumulate up to five (5) days.
- F. Upon termination of employment, an employee shall not be paid for any unused accumulated personal leave.

ANNUAL LEAVE (Twelve-month employees only):

- A. Twelve (12) month classified licensed and non-licensed employees shall be granted annual leave at the rate of one (1) day per month (12 days annually) during the first five (5) years of continuous employment; 1-1/4 days per month (15 days annually) from the beginning of year six (6) through year ten (10) of continuous employment; 1-2/3 days per month (20 days annually) from the beginning of year eleven (11) of continuous employment. After thirty (30) years of continuous employment, an employee shall be granted annual leave at the rate of two and one-half (2-1/2) days per month (30 days annually).
- B. Annual leave is scheduled in advance with approval from the supervisor.
- C. An employee may accumulate up to 30 days of annual leave but may not use more than 30 in one year.
- D. Employees must submit a completed absence report the first day back at work to receive per diem pay.
- E. Upon termination of employment or retirement, an employee shall be paid for any unused accumulated annual leave.

BEREAVEMENT (Funeral) LEAVE

- A. Up to three (3) days of paid bereavement leave will be granted to the employee in the event of death of an immediate family member. This bereavement leave is not counted against the employee's sick, personal or vacation leave. An employee may elect to extend the three days of bereavement leave by taking sick leave, personal leave, or annual leave.
- B. For purposes of the bereavement leave policy, the immediate family of an employee is defined as: natural parents, adoptive parents, foster parents, step-parents; spouse; natural, adopted or foster children; grandparents of the employee; grandchildren; and siblings.
- C. For non-immediate family members, sick leave, personal leave, and/or annual leave may be used as bereavement leave. Non-immediate family members are defined as: grandparents of spouse, father-in-law, mother-in-law, or any other relative living in the household of the employee.

LIBERAL LEAVE

During inclement weather or other emergency events, and when liberal leave is announced, a nonessential employee may take unscheduled leave if the employee determines it is unsafe to travel or report to their work destination. An employee who determines that he/she is unable to safely report to work during the period announced for liberal leave may take a full or partial day of leave provided his/her supervisor has been notified in advance of the intent to take liberal leave, has provided an explanation of the situation and receives approval from his/her supervisor to take liberal leave. When an employee uses liberal leave, time lost will be charged in the following order:

1. Vacation leave (if eligible for vacation leave)

2. Personal leave
3. Sick day

If none of these three leave options is available to the employee for taking liberal leave, then the approved time off for liberal leave will be leave without pay. Liberal leave only applies to those days so designated by the Superintendent.

LEAVE FOR JURY DUTY AND SUBPOENAED WITNESSES:

An employee called for Jury Duty may be absent without loss of pay or use of leave time subject to verification of actual days served (verification to be provided by the Clerk of Court). Any compensation received while serving jury duty shall be surrendered to Essex County Public Schools.

An employee subpoenaed as a court witness in relation to employment with the Essex County Public Schools may be absent without loss of pay or use of leave time provided that a copy of the subpoena shall be transmitted to the payroll office. An employee subpoenaed to court for reasons other than in a capacity as a School Board employee must use personal leave or annual leave.

ABSENCE WITHOUT PAY (other than medical):

Absence without pay is not a regular leave benefit. It is a discretionary leave provision designed to address unusual circumstances that cannot be addressed by other forms of leave. The abuse of leave without pay shall be subject to disciplinary action, up to and including termination.

The Superintendent shall develop regulations to implement this Policy and provide the terms and circumstances for the utilization of absence without pay.

SHORT-TERM ABSENCE WITHOUT PAY (other than medical):

The Superintendent is authorized to provide up to three (3) days of Absence Without Pay (AWOP) other than for medical purposes at his/her sole discretion. Absence Without Pay may be granted to full-time employees based on documentation provided and detailed information indicating the reason for the request. Absence Without Pay (AWOP) under the provisions of this policy may be granted only when all personal and/or annual leave balances have been exhausted and may not be granted beyond the contractual year in which the request was made and/or approved.

Procedure: A request for Absence Without Pay (AWOP) must be submitted, in writing, to the employee's supervisor at the earliest possible date, but no less than 60 days prior to the expected commencement of leave. The supervisor will forward the request (noting approval or disapproval) to the Director of Human Resources. Absence Without Pay (AWOP) under the provisions of this policy may be granted only when all personal and/or annual leave balances have been exhausted and may not be granted beyond the contractual year in which the request was made and/or approved. Factors to be considered in granting the leave of absence shall include, but not be limited to, the reason for requesting the leave, the employee's job

performance, the normal contractual period and the work requirements of the employee's position. Payroll will calculate the pay deduction based on the employee's contract rate of pay.

EXTENDED ABSENCE WITHOUT PAY (other than medical):

The Superintendent is authorized, with School Board approval, to provide an extended Absence Without Pay (other than for medical purposes) at his/her sole discretion. An extended absence without pay may be granted to full-time employees based on documentation provided and detailed information indicating the reason for the request. Extended Absence Without Pay (AWOP) under the provisions of this policy may be granted only when all personal and/or annual leave balances have been exhausted and may not be granted beyond the contractual year in which the request was made and/or approved.

Procedure: A request for an extended absence without pay must be submitted, in writing, to the supervisor at the earliest possible date, but no less than 60 days prior to the expected commencement of leave. The supervisor will forward the request (noting approval or disapproval) to the Director of Human Resources. Factors to be considered in granting the leave of absence shall include, but not be limited to, the reason for requesting the leave, the employee's job performance, the normal contractual period and the work requirements of the employee's position. Payroll will calculate the pay deduction based on the employee's contract rate of pay.

For extended absence without pay, sick leave and annual leave will not accrue during an unpaid leave of absence. Credit for experience will not be earned during the period of the leave of absence. The employee is eligible during the leave of absence to continue all health and group life insurance coverage; however, the employee must make arrangements to pay the entire premium for such insurance.

LEAVE WITHOUT PAY

See School Board Policy GCBEA.

MILITARY LEAVE

See School Board Policy GCBEB.

FAMILY AND MEDICAL LEAVE

See School Board Policy GCBE.

Approved: October 8, 2018 (Replaces all previous versions)

THIS REGULATION SUPERSEDES ANY AND ALL PREVIOUS ESSEX COUNTY PUBLIC SCHOOL BOARD POLICIES AND/OR REGULATIONS REGARDING STAFF LEAVES AND ABSENCES AS OF THE DATE OF SCHOOL BOARD APPROVAL.