

LEAVE PROGRAM

Consistent employee presence on the job promotes and maintains excellence in Albemarle County Public Schools by providing uninterrupted continuity of service and reduced substitute costs. It is recognized that certain absences from providing services in the schools are unavoidable. In such cases, the return to work of absentee employees at the earliest time commensurate with good health, safety and reasonable personal consideration is an expectation. It is the intention of the Albemarle County School Board that all employees shall strive to maintain an acceptable attendance record, and that the occasional absences of employees shall not have an adverse affect on student services.

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38 U.S.C. §§ 4312, 4313, 4316, 4317
20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267

LEAVE PROGRAM

I. General Information

A. Types of Leave

Employees have access to different types of leave. The conditions of some categories of leave depend on the contract status, such as whether the employee is 10/11/12 month or classified/teacher/administrator personnel. The four general types of leave are:

1. Personal Leave/Annual Leave
2. Sick Leave
3. Family & Medical Leave (Federal Program)
4. Absences for Administrative Purposes

B. Absences

1. Employees will have access to their own earned leave to be used for the purposes of personal sickness, family sickness, bereavement, and personal business or recreation. Leave time must be approved by the Principal/Department Head/Designee. The employee must state the purpose for which the leave is requested. The Principal/Department Head/Designee and Superintendent/Designee will periodically review personnel attendance.
2. The Leave Profile Record which is managed at the school/department level, will continue to be maintained for all employees. The profile shows the number and nature of absences to indicate if a pattern of absences has developed, in order to help employees improve their attendance.
 - a. Each absence, regardless of the length or reason, is to be recorded as one occurrence. Under the expectations for attendance policy, long-term illness is defined as missing more than 7 consecutive workdays and the illness having been verified by a physician. Long-term illnesses are excluded from the calculation of expectations for attendance.
 - b. If a pattern of absence develops, employees shall be counseled or referred to the Employee Assistance Program as appropriate, prior to any disciplinary action, to help them initiate steps to reduce their absenteeism.
 - c. The number of leave days taken and reasons for the leave will be documented for informational purposes and the number of days will be noted on the employee's annual evaluation.
3. The Superintendent may issue emergency regulations regarding employee work hours, absences, and leave usage in the event of a declared state of emergency, pandemic, or other crisis affecting the Division's ability to operate under normal policies and procedures.

II. Expectations for Attendance

A. General

The School Division recognizes that its employees may need time away from their positions to remain at home due to personal illness, and illness or death in their immediate families which require their presence. The immediate family is defined as the employee's or spouse's children, parents, siblings, grandparents and grandchildren. In such instances, it is the School Division's desire to provide a program of paid leave to cover such circumstances. It is also necessary, however, for employees to realize that absenteeism problems hinder the efficient operation of a school division department and its delivery of services to the public. Therefore, an attendance criteria is established which emphasizes that:

1. The primary purpose of sick leave is to provide for paid time in the event of long-term illnesses. Employees must accumulate sufficient balances to cover this possibility.
2. Sporadic absenteeism, i.e. time lost that is not due to long-term illness, must be limited in order to maintain efficient operations.
3. Satisfactory attendance is a minimum expectation for all School Division employees.
4. There should be consistent criteria upon which to make judgements about employee attendance.
5. When an unsatisfactory pattern of attendance exists, the problem must be identified and rectified.

Judgements regarding absenteeism problems will be made by examining patterns of usage. Abuses will be handled through the normal evaluation and disciplinary procedures of the School Division.

Regular attendance is a minimal expectation of all School Division employees. Principals/Department Heads are responsible for monitoring attendance within their schools/departments. When an employee's absenteeism exceeds a specified number of days (10 days for 10-month employees, 11 days for 11-month employees, or 12 days for 12-month employees) missed from available work time for individual sick leave, family illness, and/or bereavement, Principals/Department Heads will be responsible for investigating the situation and taking appropriate action when necessary. Absences for educational/professional activities, long-term illness, and personal/annual leave shall not be counted against this standard. Nothing in the above guidelines is meant to limit a supervisor in exercising discretion in applying these guidelines to an individual employee's circumstances.

B. Guidelines for Monitoring Expectations for Attendance

A general guideline for expectations of attendance will be that an employee's absences not exceed 10, 11, or 12 days (respectively based on the regular months per year worked) excluding educational/professional activities, long-term illness, and personal/annual leave. When a supervisor believes that an employee's attendance is not acceptable, the supervisor may take any or all of the following steps:

1. Counsel with the employee concerning the need for immediate improvement in expectations of attendance.
2. Recommend or require referral to the Employee Assistance Program (EAP).
3. Establish a formal Plan of Assistance for the employee to improve attendance. Progress on the Plan of Assistance will be monitored within the normal cycle of the established evaluation process.
4. Other strategies deemed appropriate by the supervisor.

Failure on the employee's part to improve his/her attendance through this process may be grounds for the supervisor to recommend termination of employment with the Albemarle County Schools.

III. Procedure for Compliance for Absences

A. Responsibilities of Supervisors

It is the responsibility of the Principal/Designee and the Superintendent/Designee to:

1. Authorize (or refuse to authorize in exceptional cases) the advance request of an employee for permission to be absent. Absences for urgent personal business, bereavement, or illness will be granted at the discretion of the immediate supervisor and in compliance with Board policy.
2. Investigate absences.
3. Deny leave payment for absences in violation of any Board policy.
4. Impose reasonable disciplinary penalties upon employees who have abused their leave privileges and who violate the provisions of the "Responsibilities of Employees" section of this policy.

B. Responsibilities of Employees

Every employee of the County has the following obligations and responsibilities concerning absence and must adhere to the following:

1. Request for Leave - When the need for being absent from work is known in advance, the employee must notify his immediate supervisor as far in advance as possible on the Leave Form provided by the Department of Human Resources.

2. Notice of Unexpected Absence - When an employee who has not given advance notice finds that he/she cannot report to work, the employee must notify his/her supervisor at least 60 minutes prior to the regular starting time. Upon returning to work, the employee must complete a Leave Form as a record of absence.
3. Failure to Give Notice - Failure to give the notice required shall constitute cause for a reasonable disciplinary penalty including loss of pay. Unless an absence has been authorized in advance or an absence is unavoidable, every employee shall be expected to be present and on-time for his scheduled work.
4. Employees Returning to Work After Illness - When an employee returns to work after absence due to illness, the employee may be requested to submit a medical release certifying the illness and that he/she is well enough to return to work. This requirement may be met by the employee's physician or through a referral by the department head to the County physician. In such instances, the employee will be advised of the requirement prior to the employee returning to work.

IV. Personal Leave

A. For 10/11 Month Teachers and Classified Staff

Teachers accrue paid personal leave each year, (10-month accrue 2 cumulative days/11-month accrue 2.2 days) which is in addition to any accrued sick leave. These days are added to their accrued sick leave balance each year. Teachers and classified staff may use leave for personal reasons, if granted by their Principal/Department Head, not to exceed their total sick leave balance.

An employee must notify the Principal/Department Head at least five (5) days in advance of the day or days to be taken as personal leave, in order that a suitable replacement may be secured for that position. If it is necessary for an employee to request personal leave without five (5) days notice, the Principal/Department Head may require an explanation from the employee.

Guidelines for granting personal leave for eligible personnel are as follows:

1. Personal leave may not be taken during the first ten (10) teaching days and/or the last five (5) contract days, including snow makeup days at the end of the school year.
2. Personal leave may be used provided it does not immediately precede or follow a school holiday or another leave, including compensatory leave. A school holiday is defined as a time when schools are closed for students and teachers exclusive of normal weekends.
3. The Principal/Department Head may limit the number of employees who may be granted personal leave on a given day in order to assure the orderly and efficient operation of the school/department.

4. Personal leave may not be granted to an employee who has not met expectations for attendance during the current and/or previous school year.

Exceptions to these guidelines may be granted with approval by the Principal/Department Head. A written request from the employee for an exception must be made to the Principal/Department Head. The decision of the Principal/Department Head may be appealed to the Superintendent/Designee.

Under special circumstances, a Principal/Department Head may authorize two (2) days of non-cumulative, unpaid personal leave each year. The Superintendent/Designee may extend the unpaid personal leave to five (5) consecutive days for emergencies or circumstances that, in the judgement of the Superintendent/Designee, deserve special consideration.

B. For 11-Month Administrative Staff

Eleven-month administrative employees accrue two and two tenths (2.2) cumulative days of paid personal leave each year, which is in addition to any accrued sick leave. These two and two tenths (2.2) days are added to their accrued sick leave balance each year. Eleven month administrative employees may use leave for personal reasons, if granted by their Department Head/Supervisor, not to exceed their total sick leave balance.

Under special circumstances, a Department Head/Supervisor may authorize two (2) days of non-cumulative, unpaid personal leave each year. The Superintendent/Designee may extend the unpaid personal leave to five (5) consecutive days for emergencies or circumstances that, in the judgement of the Superintendent/Designee, deserve special consideration.

C. For 12-Month Classified and Administrative Staff

The School Board grants annual leave/vacation leave to all twelve-month employees as follows:

1. One (1) day per month for each month employed during the first five years of continuous employment.
2. One and one-quarter (1.25) days for each month employed during the sixth through the tenth years of employment.
3. One and one-half (1.5) days for each month employed during the eleventh through the fifteenth years of continuous employment.
4. One and three-quarter (1.75) days for each month employed during the sixteenth and through the twentieth years of continuous employment.
5. Two (2) days per month for each month employed during the twenty-first through the twenty-fifth years of continuous employment.

6. Two and one-quarter (2.25) days for each month employed during the twenty-sixth and succeeding years of continuous employment.
7. Employees who change from 10- or 11- month to 12-month schedules shall begin the accumulation of annual leave based on the date he/she commenced continuous employment as a permanent employee.
8. With the approval of Human Resources and the Superintendent, a new employee's annual accrued rate at the date of hire may begin at a rate other than the starting rate stated in number 1 above.

The Superintendent/Designee shall establish a holiday schedule for 12-month employees equal in number to the holiday schedule for the Local Government. Employees who are terminating employment with the School Division will not qualify for holiday pay unless they work the next working day after the holiday.

- D. Employees are required to arrange use of paid annual leave in advance with their department head or designee. In case of a conflict because of the work schedule in a particular department, leave will be granted at the discretion of the department head or designee.

In the interest of fostering wellness for employees, those employees with five or more years of service must take at least five (5) days of annual leave per fiscal year. Supervisors shall work with their employees to ensure that time is made available for annual leave.

On the anniversary of the employee's birth month each year, any annual leave balance that is above 320 hours automatically converts as follows: 50% to the employee's own sick leave balance and 50% donated to the County sick leave bank. The employee need not be a member of the bank. In cases where annual leave is at risk of being converted, annual leave must be used for time off prior to using compensatory leave.

Upon termination of employment, the employee will be paid for his/her accumulated but unused annual leave. The maximum payout of annual leave will be 320 hours.

V. Sick Leave

A. Regular Sick Leave

1. 10/11 month teachers and classified staff

Employees earn sick leave at a rate of 1.25 days per month (12.5 for 10 month or 13.75 for 11 month per year) if employed before November 1, 1989. Employees employed after November 1, 1989 earn sick leave at the rate of one (1) day per month (10 or 11 days per year). Note: Part time employees earn a prorated portion of sick leave based on the percentage of time worked.

2. 12 month classified and administrative staff

Employees earn sick leave at a rate of 1.25 days per month (15 per year) if employed before November 1, 1989. Employees employed after November 1, 1989 earn sick leave at the rate of one (1) day per month (12 days per year).

B. Sick Leave Transfer, Applicable to All Licensed Employees

When hiring licensed personnel, Albemarle County Public Schools accepts a maximum of ninety (90) sick days which have been accumulated by that employee while serving as a teacher or administrator in this division or another school division within the Commonwealth of Virginia, under the following conditions:

1. The individual's record of continuous service as a licensed or non-licensed teacher or administrator in a Virginia public school system has not been interrupted for more than two (2) years; and,
2. The employee provides evidence of this accumulated sick leave within six (6) months of being hired by the Albemarle County School Board.

C. Extraordinary Sick Leave, Applicable to All Employees

In certain circumstances such as a long period of illness or recuperation, an employee may not have sufficient sick leave or sick leave bank balance to cover the period of absence. In such circumstances, employees may be eligible for an unpaid leave of absence, as outlined in Section VII, B, 3, Unpaid Leave of Absence.

D. Sick Leave Bank, Applicable to All Employees

The Board will maintain a sick leave bank to be used when a member of the bank becomes incapacitated by long-term illness (defined as more than 20 days) or injury as long as one-third of the eligible members agree to participate in accordance with the terms contained herein.

Membership in the sick leave bank shall be voluntary and open to all eligible employees who accrue sick leave.

Each employee of the Board who accumulates sick leave is eligible for membership and may become a member by donating one day of sick leave upon joining and an additional day thereafter whenever an assessment is required.

Requests for leave time from the bank must be made in writing by the employee or his/her representative in advance of the absence for which the extra days are to be granted. Requests cannot be made retroactively except in the case of absences that were presumed to be covered by Workers Compensation, but were subsequently denied.

Requests must be supported by a medical doctor's certificate acceptable to the Board. The Board reserves the right to require additional medical documentation to support the request. Failure to meet applicable requirements set forth in this policy will result in the rejection of the employee's sick bank application.

Employees should also be aware of the Family and Medical Leave and how it relates to the use of sick leave and sick bank leave.

The Director of Human Resources is designated as the administrator of the sick leave bank.

1. Enrollment Procedures

An eligible employee may enroll within the first thirty (30) days of employment. An employee who does not enroll when first eligible may do so during any subsequent Benefits Open Enrollment period by making application and providing satisfactory evidence of good health to the Board. Membership in the bank may be earned by contributing one day of sick leave upon joining and an additional day thereafter whenever an assessment is required. The donated days of leave will be deducted from the donor's accumulated days of sick leave. Members who have no sick leave to contribute at the time of assessment will be assessed one (1) day and allowed to temporarily maintain a negative balance.

2. Rules for Use

- a. The first twenty (20) consecutive contract days of illness, or disability will not be covered by the bank, but must be covered by the unit member's own accumulated paid leave or leave without pay. This requirement may be met in cases in which twenty days of absence, although not consecutive for the same illness/injury, occur within thirty working days.
- b. Requests for use of the sick leave bank must be submitted in writing by the employee or designee prior to the 20th day of absence except in the case of Workers Compensation claims that were denied.
- c. Eligible employees may take a maximum of forty-five (45) working days from the sick leave bank in any rolling year (defined as a 365-day period beginning with the first day of sick bank usage). For example, if an eligible employee begins sick leave bank usage on March 1st, he/she would be entitled to take up to 45 working days from the sick leave bank in the 365-day period beginning on that date.
- d. Days drawn from the bank for any one period of eligibility must be consecutive, except additional periods of disability resulting from recurrence or relapse of the original illness, which will be covered fully on a continuing basis up to the annual maximum of forty-five days. Once a member has used all 45 days of sick leave bank he must return to work and must meet the requirements of item Section 2a before becoming eligible to utilize sick leave bank benefits again.

- e. A member of the bank will not be able to use sick leave bank benefits until the employee's sick leave declines to zero. Sick Leave and/or sick leave bank time will run concurrently with FMLA where applicable.
- f. Members of the bank will be assessed additional days of sick leave at such time as the bank is depleted to two hundred days, unless they choose not to participate further in the bank.

Members who have no sick leave to contribute at the time of assessment will be assessed one (1) day and allowed to temporarily maintain a negative balance.

- g. Members utilizing sick leave days from the bank will not have to replace these days except as a regular contributing member of the bank.
- h. The sick leave bank request form must be signed by a medical doctor (M.D.) acceptable to the Board. The Board reserves the right to require additional medical documentation supporting the request.

3. Termination

Upon termination of employment or membership in the sick leave bank, a participating employee may not withdraw the days he/she contributed to the bank.

VI. Family and Medical Leave, Applicable to All Employees

A. Purpose of Policy

The Family and Medical Leave ("FML") Policy is written to assist the Albemarle County Public Schools in complying with the federal Family and Medical Leave Act of 1993. This policy seeks to balance the needs of the employer with the needs of its employees and their families.

B. Employee Status

<u>Child:</u>	Includes biological, adopted, foster, step, or legal ward child for whom the employee acts in a parental role, providing care and financial support. The child must be under age 18, unless he/she is incapable of self-care due to mental or physical disability.
<u>Eligible Employee:</u>	An eligible employee: 1) Has been employed at least one year; 2) Has worked at least 1250 hours during the 12 months immediately preceding the proposed leave; 3) Has not used all available Family Medical Leave (FML) in the previous rolling year; and 4) Meets the conditions of the FMLA.
<u>Family:</u>	Family is defined as the employee's spouse, children, and parents.
<u>Health Care Provider:</u>	A licensed doctor of medicine or osteopathy or any other person determined by the U.S. Secretary of Labor to be capable of providing health care service.
<u>Parent:</u>	Biological parents as well as any others who have acted in the place of a parent to the employee.
<u>Serious Health Condition:</u>	A physical or mental illness or an injury requiring inpatient care at a medical facility or continued treatment by a health-care provider that causes the employee to be absent from work on a recurring basis or for more than three full days.
<u>Job-Protected:</u>	The employee is guaranteed the right to return to his/her former position or to an equivalent position.
<u>Week:</u>	A week is defined as the weekly authorized regular hours of the employee's position.

C. Conditions of Leave

1. General Information

The Family and Medical Leave Act (FMLA) provides up to 12 workweeks of unpaid job-protected leave per year to eligible employees for one or more of the following qualifying events:

- a) The birth and first-year care of the employee's newborn child;
- b) Placement of a child with the employee for adoption, or by the State for foster care;
- c) To care for the employee's spouse, child or parent with a serious health condition (this does not include in-laws); and
- d) The employee's own serious health condition.

2. Notification Requirements

When the need for leave under FMLA is foreseeable, as in the case of the expected birth, adoption or foster care placement of a child or planned medical treatment for a serious health condition of the employee or a family member, the employee is required to provide at least 30 days advance notice to his/her supervisor either verbally or in writing. In the event that it is not practicable to give such advance notice, due to a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee should give as much advance notice as is practicable, ordinarily within one or two business days of when he/she learns of the need for the leave.

The administrative process will be initiated by the employee submitting an FMLA Request Form, which is available from the Human Resources Department. If the reason for leave involves a serious health condition of either the employee or the employee's family member, the employee will be given a Certification of Health Care Provider form that must be completed by the patient's physician and returned to HR within 15 calendar days. Employees granted leave under FMLA will receive a Notice of Employee Obligations under FMLA outlining conditions governing the leave.

If an employee does not notify his/her supervisor that he/she requests FML, but the supervisor has reason to believe that a leave request would meet the guidelines covered under the Act, the supervisor should contact Human Resources, which will then provide the employee with information regarding the FMLA. If an employee is eligible for FML, then the leave time will be counted against FML.

3. Spouses Both Working for the County

In cases where both parents are County employees, they may take a combined total of 12 weeks of FML for birth, adoption, and foster care placement. They may each take 12 weeks for their own illness or that of their spouse, child or parent.

4. Covered Time Period

Eligible employees may take up to 12 weeks of leave during a rolling 12-month period. This is defined as the 12-month period measured forward from the date an employee's first FML begins.

5. Intermittent or Reduced Leave

While most family and medical leave occurrences will require leave to be taken in a single block of several weeks, the employee may request "intermittent" leave or "reduced leave schedule" to care for a seriously ill family member or for the employee's own serious health condition where the need for leave is foreseeable and based on planned medical treatment. In the case of the need for a reduced leave schedule or intermittent use of leave, a certification of medical necessity is required from the health care provider and an appropriate work schedule should be planned in advance with the supervisor, when possible. An employee may take reduced leave for the birth, adoption, or foster care placement of a son or daughter only if the employee and employer agree to such an arrangement.

If the employee requests intermittent leave or reduced leave schedule, the County may temporarily transfer the employee to an available alternative position with equivalent pay and benefits, if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

Teachers who need to take intermittent leave, reduced-schedule leave or leave near the end of the term may be given a temporary transfer to a position that better accommodates the leave schedule. Likewise, if the leave would end within the final two or three weeks of the school term, instead of a temporary transfer, the employee may be required to extend the leave to the end of that term, under specified conditions.

D. Medical Certification Requirements

When the necessity for FML exists due to the employee's own serious health condition or the serious health condition of a spouse, parent, or child, certification of the condition and a statement of the need for leave is required from the health care provider(s), using the Certification of Health Care Provider form provided by Human Resources. If the employee fails to provide the requested information to the designated HR Specialist within 15 calendar days of receipt of the form, the leave may not be job-protected under the FMLA.

The County may require a second opinion by a health care provider of its choice, and at its expense. If the two opinions differ, a third opinion may be requested from a provider selected jointly by the employee and the County. This third opinion, to be paid for by the County, is final and binding. It is the employee's responsibility to maintain up-to-date medical status while on FML.

The County may also require periodic reports from the employee as to the employee's status and intent to return to work.

E. Substitution of Paid Leave

The FMLA provides for a maximum of 12 weeks of unpaid leave. If the FML is due to the employee's own medical condition, the employee will first be compensated using any accrued sick leave and sick bank benefits, as applicable. Time will be charged concurrently against these paid types of leave and FML for a period of up to 12 weeks.

If the FML is due to the illness of an employee's spouse, parent, or child, the employee will first be compensated using accrued sick leave. (Employees are not eligible for sick bank benefits in these circumstances.) Time will be charged concurrently against the available accrued sick leave and FML for a period of up to 12 weeks.

The remainder, if any, of the leave requested will be charged against accrued annual leave and compensatory leave prior to the employee going on unpaid leave, except that the employee may save one (1) week of annual leave for use at a later time. Employees should check with HR to determine what types of leave will run concurrently with their FML. The type of leave taken must be in compliance with the provisions of the applicable leave policy found in this manual.

Time missed during worker's compensation related injuries, which otherwise meet the requirements of the FMLA, may run concurrently with FML.

F. Benefits

1. Insurance Continuation Privileges

Employees on unpaid leave that is designated as FML will continue to receive their employer portion of the medical and dental insurance benefits up to the maximum 12 workweeks allowed. These benefits will continue on the same basis as an active employee during this 12-week period. Employees must remit the necessary premium for the employee portion to cover themselves and eligible dependents. As in the case of any unpaid leave of absence, the employee must make arrangements to pay applicable medical, dental, and life insurance premiums.

2. Other Employee Benefits

In all cases where an employee is using some form of approved, accrued leave such as annual leave, compensatory leave, sick leave, or sick bank, all employee benefits continue as long as the employee remains on the payroll through the use of such leave time. If unpaid leave is taken, employee benefits other than health, dental and life insurance are discontinued for the duration of the unpaid leave status as follows:

- a) The accrual of annual or sick leave is discontinued after ten (10) days of unpaid leave and for the duration of the unpaid leave status.

- b) The Virginia Retirement System (VRS) contribution is based on a percent of the employee's income. No contribution is made for periods of unpaid leave. Upon returning to work, the employee may be eligible to purchase the lost service with VRS, if the leave is necessitated by birth or adoption, as defined by VRS policies.

G. Returning from FML

1. Medical form

An employee returning from FML due to his/her own serious health condition must submit a statement on the required form to Human Resources, from his/her attending physician, indicating the employee is medically able to return to work. The attending physician is only to certify the employee's fitness-for-duty based upon the serious health condition that caused the employee's need for FML.

2. Restoration to Position

When an eligible employee is released to return to work following FML, he/she will be restored to the position held at the time the leave began or to an equivalent position with equivalent benefits, compensation and other terms and conditions of employment. Any issues regarding equivalency should be reviewed with Human Resources. In order to be guaranteed restoration, the employee must return to work at or before the end of the 12-week family leave period. If an employee would have been laid off had he not been on FML, any right to reinstatement would be whatever it would have been had the employee not been on FML.

- 3. Certain "key" employees may be denied job restoration. A "key" employee is defined as a salaried FMLA-eligible employee who is among the highest paid 10 percent of all County employees. A "key" employee will be notified as soon as practicable, after receipt of a request for FML that he/she is considered to be a key employee.

- 4. Employees on unpaid FML are not eligible for any unemployment benefits.

H. Record Keeping and Anti-Retaliation

The Director of Human Resources shall maintain records necessary to demonstrate compliance with the Act. The Act requires also that no employee be subject to any penalty for seeking rights under the Act or for testifying for or otherwise helping other employees seek rights under the Act.

Section VI was adopted and is intended to fully implement the Family and Medical Leave Act of 1993, subject to the penalties prescribed in the Act. Any variation between this policy and the Family and Medical Leave Act will be determined in favor of the Act.

VI. Absences for Administrative Purposes

A. Emergency Leave, for 12 month Classified and Administrative Staff:

Emergency leave is for urgent circumstances beyond the control of the individual and must be used only for this purpose.

The department head or designee may grant up to two (2) days of emergency leave without loss of pay to all classified and administrative employees during the fiscal year. These days do not carry over or accrue year to year.

Examples of circumstances for which emergency leave may be granted are:

1. A disaster affecting the home or residence of the employee or his family.
2. Other urgent or emergency situations arising out of natural or man-made disasters.

Emergency Leave is not intended and may not be used for absences covered by other types of Leave, such as Sick Leave, Sick Bank Leave, Family & Medical Leave, Military Leave or Court/Jury Duty Leave. In addition, Emergency Leave is not intended and may not be used as a substitute if other types of leave have been exhausted.

To the extent possible, employees should request Emergency Leave from the Department Head or Designee. If the circumstances in a given case are unclear, the department head shall confer with the Director of Human Resources before granting approval.

B. Leaves of Absence (Unpaid and Career)

The Board recognizes the fact that members of its staff may need to request leaves of absences from their regular employment. The Board authorizes the Superintendent/ Designee to give consideration to all requests for leave and will establish a procedure by which these requests may be processed in a fair and consistent manner. The Superintendent/Designee will, however, make decisions on granting or denying leave of absence requests based on the best interests of Albemarle County Public Schools.

The following procedure is intended to be utilized for leave requests not covered by other Board policies.

1. Unpaid Leave of Absence

a. Eligibility

1. Must be a teaching, administrative or classified employee; and,
2. Must have successfully completed their probationary period prior to commencement of leave; and

3. Must be employed in a permanent position (temporary personnel are not eligible); and,
4. Must be employed at least half-time.

b. Period of Leave of Absence

A leave of absence will not exceed 12 months.

c. Procedures

1. Leave of absence requests must be submitted in writing to the Assistant Superintendent for Support Services/Designee and must state the reasons for the leave, length of time Requested, and inclusive dates.
2. Leave requests should initially be discussed with the immediate supervisor. The Director of Human Resources/Designee should also be consulted with regards to fringe benefits and other matters which may be affected by the leave. Employees enrolled or participating in medical insurance, dental insurance, and Virginia Retirement Life Insurance and other optional insurance programs may be eligible to continue such benefits at their own expense.
3. The immediate supervisor must approve/support the employee's request and should develop written recommendations regarding the leave, addressing such matters as the implication of the leave on the school/department, filling the position on a substitute basis, etc. This written recommendation from the immediate supervisor, along with the staff member's written request, should be forwarded to the Assistant Superintendent for Support Services/Designee.
4. The Assistant Superintendent for Support Services/Designee will review the request for the leave along with the recommendations of the immediate supervisor and will develop a recommendation for the Superintendent.
5. Requests for leaves of absence supported by the principal/department head may be approved by the Superintendent/Designee.

d. Placement on Return

After completion of the unpaid leave of absence, a teacher or classified employee will be assigned to a position in the school/department from which he/she took leave. Administrative employees will be returned to positions for which they are qualified.

C. Career Leave

1. Definition

Leave taken to pursue advanced study or to engage in other endeavors which will enhance the employee's professional performance upon returning to employment with Albemarle County Public Schools.

2. Eligibility

- a. Must be a licensed teaching or administrative employee;
- b. A licensed employee must have a minimum of five (5) years of uninterrupted service with Albemarle County Public Schools immediately prior to the leave period. Career Leave granted to employees with 5-9 years of continuous service shall be without salary or unemployment compensation.
- c. Employees who are currently employed and have ten (10) years or more of service with Albemarle County Public Schools prior to the granting of the leave will receive a 10% stipend based on their current salary (base salary plus degree stipend for staff paid on the teacher pay scale; base salary only for all others) if the leave is not taken for other employment purposes.

3. Length of Absence for Career Leave

The School Board may grant requests for Career Leave, based on the recommendation of the Superintendent, to any licensed employee of Albemarle County Public Schools for a period of one year. The Board will, however, make decisions on such requests based on the best interests of Albemarle County Public Schools. The leave is granted on the express condition that the employee intends to return to work with Albemarle County Public School in the subsequent year.

4. Procedures

- a. An application form for the Career Leave must be submitted to the Assistant Superintendent for Support Services with a copy to the employee's Principal/Department Head by June 1 of the school year prior to the beginning of the leave. (Use attached form GCC-F1.) In this application, the employee must provide details as to how he/she plans to use this year of Career Leave. Exceptions to the June 1 deadline may be granted by the Superintendent/Designee if doing so is found to be in the best interests of the school division. The Principal/Department Head shall make a recommendation regarding the leave request on the application form.
- b. All fringe benefits will be curtailed during the leave period, except medical and dental insurance which will remain in force at the employee's request. The Board contribution toward the individual coverage premium will be paid by the school division if the leave is not taken for other employment purposes. If other employment is taken, the Board contribution

toward medical and dental insurance will cease; however, the employee may continue to pay for the insurance throughout the extent of the Career Leave. If an employee who has been granted a Career Leave with stipend and benefits or benefits only does not return to employment with Albemarle County Public Schools, he/she will be responsible for reimbursing the school division. This reimbursement shall be in the amount equal to any stipend received plus the Board's contribution toward the employee's benefits, if applicable. If an individual does not return for a length of time equal to the Career Leave, reimbursement will be pro-rated.

- c. The Director of Human Resources must be notified by March 1 of the year of the leave as to whether the employee plans to return to work the next school year.
- d. Upon completion of the leave, a teacher will be assigned to a position in the school from which he/she took leave. Administrative employees will be returned to positions for which they are qualified.
- e. Upon School Board approval of a Career Leave, a signed, notarized agreement between the teacher and the School Board will be executed. (Use form GCC-F2)

D. Professional Leave, Applicable for All Employees

Professional leave may be permitted for all school employees to attend professional conferences, meetings, and training sessions without loss of compensation to the individual employee.

The purpose of the professional leave is for the improvement of job skills and enhancement of the employee's performance and is directly linked to the duties and responsibilities comprising the job description of the employee.

Compensation received by the employee while on paid release time, up to and including the employee's daily rate of compensation, will be refunded to the division as reimbursement for value of services lost.

VII. Military Leave, Applicable to All Employees

A. Military Leave with Pay -

All employees and candidates who have accepted offers of employment of the Albemarle 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.

Upon presentation of a copy of final orders or other equivalent notice, a regular employee who is a member of an officially-recognized reserve or National Guard unit shall be entitled to 15 work days of military leave for training purposes or active duty per federal fiscal year (October 1 – September 30). During this 15-day period, the employee shall be considered on military leave with pay and shall accordingly be paid his or her full gross salary for regularly scheduled work hours

during this period. Employees are requested to attempt to make arrangements for reserve duty at times other than when school is in session.

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.

B. Advance Notice –

An employee who is leaving to perform military service shall provide advance written notice to his/her immediate supervisor (including the best approximation of the expected dates of the leave), unless it would be unreasonable to provide notice at that time or he is precluded by military necessity from providing notice. When available, employees must provide a copy of their military orders to their supervisor.

C. Military Leave without Pay for Reservist Called to Active Duty –

An employee who is called to active duty may be placed on military leave without pay when military leave under section A above is exhausted.

D. Voluntary Enlistment in the Uniformed Services of the United States –

Employees who voluntarily enlist in the uniformed services shall be placed on leave without pay for up to five (5) years while serving in the uniformed services. The leave without pay shall commence after the 15-day military leave with pay and any other applicable leave has been utilized.

E. Supplemental Pay –

For all employees involuntarily recalled to active military duty, the County, after the expiration of 15 workdays of military leave with pay, shall supplement the employee's pay in an amount necessary to bring the gross monthly salary, inclusive of his base military pay, to the gross salary earned for regularly scheduled work hours at the time of recall to federally funded military duty. An employee is entitled to receive a maximum total of two years of supplemental pay while employed by the County. Employees who are receiving supplemental pay under this provision shall be considered on military leave without pay for purposes of benefits under section G of this policy. Upon exhaustion of supplemental pay, however, ~~an employee may utilize accrued annual leave to cover periods of military leave upon the request of the employee~~ the employee will be permitted, upon request, to use any vacation, annual or similar leave that had accrued at the time military leave began.

F. Reemployment -

~~Any employee whose absence from employment with the County is necessitated by reason of military service in the uniformed services shall be entitled to all reemployment rights and benefits~~

~~as set forth in the Federal Uniformed Services Employment and Reemployment Rights Act and other applicable federal or state laws.~~

~~In accordance with the time frames and requirements established by federal law, employees shall promptly return to employment after military service is completed. The period an individual has to report back to work or notify the employer of his intent to return to work after military service shall be based on time spent on military duty. For service of less than 31 days, the employee/service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the employee/service member must either return to work or submit notice of intent to return to work within 14 days of release from service.~~

~~For service of more than 180 days, the employee/service member must either return to work or submit notice of intent to return to work within 90 days of release from service.~~

~~Returning employees shall be required to provide documentation to the County from their respective military commands that indicate a release from this period of active duty and that the service was performed under honorable conditions.~~

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 as long as he/she

- has given advance notice of the need for military leave (unless notice is precluded by military necessity or is otherwise impossible or unreasonable);
- has not been absent from his/her job for more than five years; and
- returns to work as outlined below.

If the employee was absent from work for

- less than 31 days, he/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/her 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.

Upon returning from duty, an employee will be restored to the same job he/she 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.

G. Benefits

Health Benefits

During military leave with pay, the employee will continue to accrue seniority, annual leave, sick leave, life insurance and VRS contributions that may be applicable during regular employment. Employees who are on military leave without pay (including employees who are receiving supplemental pay under section E of this policy) will continue to accrue seniority but not annual leave, sick leave, life insurance or VRS contributions.

During the period of active duty military service, an employee's health insurance coverage may continue with no change in coverage from what the employee has during regular employment for a period of up to 24 months.

An employee who is involuntarily recalled to active military service may request the County to pay the employer portion of the applicable health care premium for the lesser of 24 months or the day after the date on which the person fails to apply for or return to a position of employment with the County as required by federal law. The employee shall continue to pay the remainder of the cost of employee coverage and the cost of any dependent coverage. The County will assist the returning employee with applying to VRS for retirement benefits that may have been earned while on active military duty.

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/her contributions to a contributory plan. The employee may repay his/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/her contributions, he/she will not receive the

employer match or the accrued benefit attributable to his/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.

H. 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.

IX. Court Duty, Applicable to All Employees

The Board recognizes the duty of every citizen to serve on a jury when requested and will allow payment from the court for the daily rate of pay for each day of jury service. Employees serving jury duty will continue to receive full salary as well as retain compensation received from the court. Employees are expected to give notice of jury duty and to report to work when jury is not in session. Employees who are subpoenaed to appear as witnesses in legal proceedings in their capacity as County employees will be entitled to treat time spent in such proceedings as compensable working time. However, employees who initiate or are otherwise involved in private legal actions of any kind (excluding employed grievance proceedings), whether such actions involve the County or not, will not be permitted to treat time spent during working hours in connection with such actions as compensable working time. Such employees will be required to use accrued compensatory time, annual leave or unpaid leave for all hours spent in connection with such actions that occur during working hours.

X. Employee's Debilitating or Life-Threatening Illness or Injury

A leave of absence, 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 and Medical Leave

as described in this policy because they have not worked for the division for 12 months or have not worked at least 1250 hours 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 (such as sick leave) available.

Employees must submit medical documentation of their need for leave. Whenever possible, documentation must be provided prior to leave being taken.

Approval must be obtained prior to leave being taken.

All rights under this policy expire at the end of the employee's first year of service.

Other Work During Leave

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.

Amended: January 23, 2003; August 11, 2005; November 3, 2005; September 11, 2008; October 22, 2009; June 12, 2014; January 22, 2015

APPLICATION FOR CAREER LEAVE

Name: _____

Current School: _____

School Year Seeking Career Leave: _____

Years of Uninterrupted Service with Albemarle County Public Schools: _____

Total Years of Service with Albemarle County Public Schools: _____

Reason Seeking Career Leave: _____

In making this request, I will be responsible for reimbursing the Albemarle County Public Schools for all payments received by me during the approved Career Leave period consistent with applicable School Board policy and as set forth in the Career Leave Agreement signed by me as part of this application.

Signature of Employee: _____ Date: _____

Supervisor's Recommendation: _____

Supervisor's Signature: _____ Date: _____

CAREER LEAVE AGREEMENT

THIS AGREEMENT made and entered into the _____ day of _____ (year), by and between _____ (hereinafter the "Employee"), whose address is _____, and THE COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY, VIRGINIA (hereinafter the "Board").

WITNESSETH THAT:

The Employee and the Board hereby mutually covenant, promise and agrees follows:

1. Reimbursement. The Albemarle County School Board is conferring a valuable benefit upon Employee by granting Career Leave. In recognition of this valuable benefit, the receipt of which is hereby acknowledged. Employee specifically agrees that, in the event he does not return to the employ of the Albemarle County Public Schools upon completion of the Career Leave period, and the decision not to return is not due to extraordinary reasons such as illness, personal or family emergency or other similar situations not within Employee's control, then the Board shall have the right to obtain full reimbursement from the employee for all payments made to the employee or on his behalf during the Career Leave period, including but not limited to salary, stipends, expense reimbursement and insurance payments.
2. Board's Decision. The Board shall have the exclusive right to determine in its sole discretion whether Employee's decision not to return to the employ of the Albemarle County Public Schools is excusable or not, and whether reimbursement of all payments made to Employee during the Career Leave period should be pursued. The fact that the Board may have elected not to pursue reimbursement in another employee's case shall be of no effect, and shall not in any way bar the Board from seeking reimbursement from Employee pursuant to the terms and conditions of this Agreement.
3. Legally Binding Agreement. The parties acknowledge and agree that this is a legally binding and enforceable agreement. Employee agrees to waive any rights or defenses he may have in the event the Board exercises its right to seek reimbursement under this Agreement as provided herein.
4. Attorney's Fees and Other Costs. In the event Employee fails to reimburse the Board as required by this Agreement, and litigation is necessary to collect such reimbursement, Employee agrees that the Board shall be entitled to recover all amounts paid to Employee during the Career Leave period, as well as the costs of collection, including but not limited to reasonable attorney's fees and other expenses incurred.
5. Controlling Law and Venue. This Agreement shall be construed and applied under the laws of the Commonwealth of Virginia, and venue shall be in the County of Albemarle, Virginia.
6. Other Provisions. Employee agrees to execute the Application for Career Leave, and such Application is hereby incorporated by reference. Employee also agrees to be bound by Albemarle County School Board policies governing Career Leave.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

EMPLOYEE

By: _____

Name: _____

COUNTY SCHOOL BOARD OF
ALBEMARLE COUNTY, VIRGINIA

By: _____

Title: _____

STATE OF VIRGINIA/COUNTY OF ALBEMARLE

The foregoing instrument was acknowledged before me this ____ day of ____ (year),
by _____, Employee.

Notary Public

My Commission Expires: _____

STATE OF VIRGINIA/COUNTY OF ALBEMARLE

The foregoing instrument was acknowledged before me this ____ day of ____ (year),
by _____, duly authorized representative
of the County School Board of Albemarle County, Virginia.

Notary Public

My Commission Expires: _____

EXHIBIT 1
ALBEMARLE COUNTY PUBLIC SCHOOLS
Leave Program – Summary Chart for Earned Leave

TYPE OF LEAVE (EARNED)		HOW ACCRUED	CARRYOVER	COMMENTS
Sick	- 10 Months (Before 11/1/89) - 11 Months (Before 11/1/89) - 12 Months (Before 11/1/89)	1.25 days for 10 months 1.25 days for 11 months 1.25 days for 12 months	12.5 days per year 13.75 days per year 15 days per year	1. Part-time staff are prorated based on percentage of time worked 2. See Sick Leave Bank (Section V.D.) 3. Also see Sick Leave Transfer within Virginia (90 days maximum) (Section V.B.)
	- 10 Months (After 11/1/89) - 11 Months (After 11/1/89) - 12 Months (After 11/1/89)	1 day for 10 months 1 day for 11 months 1 day for 12 months	10 days per year 11 days per year 12 days per year	
Personal (Teachers)	- 10 Months (Before 11/1/89)	2 days per year	14.5 days per year *	* Add unused days to leave balance (sick)
	- 11 Months (Before 11/1/89)	2.2 days per year	15.95 days per year *	
	- 10 Months (After 11/1/89)	2 days per year	12 days per year *	
	- 11 Months (After 11/1/89)	2.2 days per year	13.2 days per year *	
Personal (11 Month Admin.)	- 11 Months (Before 11/1/89)	2.2 days per year	15.95 days per year *	* Add unused days to leave balance (sick)
	- 11 Months (After 11/1/89)	2.2. days per year	13.2 days per year *	
Annual (12 Month Employee)	- 0-5 Years of Service - 6-10 Years of Service - 11-15 Years of Service - 16-20 Years of Service - 21-25 Years of Service - 26+ Years of Service	1 day per month 1.25 days per month 1.5 days per month 1.75 days per month 2.00 days per month 2.25 days per month	12 days per year 15 days per year 18 days per year 21 days per year 24 days per year 27 days per year	1. Maximum accumulation is 40 days 2. Accumulated paid annual leave paid upon termination of employment
Holiday (12 Month Employee)	- 12 Months	11 days per year	Not Applicable	# of days same as local government

EXHIBIT 1

ALBEMARLE COUNTY PUBLIC SCHOOLS
Leave Program – Summary Chart for Granted Leave

TYPE OF LEAVE (Granted)		HOW ACCRUED	CARRYOVER	COMMENTS
Emergency	- 12 Month: Classified and Administrators	2 days per year	Not Applicable	1. Defined as circumstances beyond the control of the employee. 2. Examples including, but not limited to: legal actions, physical for military leave, and/or disaster effecting the employee.
Professional	- For All School Employees	As Requested	Not Applicable	1. Attendance of professional conferences, meetings, and training sessions. 2. For improvement of job skills and enhancement of employee performance. 3. Directly linked to job description and responsibilities of employee.
Military	- For All School Employees	As Requested	Not Applicable	1. Maximum of 15 days per federal fiscal year (October – September). 2. After 15 days, employee placed on unpaid leave of absence. 3. For presidential call up (maximum 90 days) employee will have option of remaining on school division payroll and reimbursing the division all military pay received or, after 15 days, going into an unpaid leave of absence.
Court Duty	- For all School Employees	As Requested	Not Applicable	For jury duty and subpoenas to court.
Debilitating or Life-Threatening Illness or Injury	- For all School Employees	As Requested, up to 30 days	Not Applicable	1. Unpaid leave when no other leave available. 2. During first year of employment. 3. May only be taken in full-day increments.

EXHIBIT 1
ALBEMARLE COUNTY PUBLIC SCHOOLS
Leave Program – Summary Chart for Granted Leave

TYPE OF LEAVE (Granted)		HOW ACCRUED	CARRYOVER	COMMENTS
Personal	- For 10/11 Month: Teachers and Classified - For 11 Month: Administrators	2 days per year	Not Applicable	1. Under special circumstances, a Principal/Department Head may authorize non-cumulative, unpaid personal leave each year. 2. For emergencies or circumstances deserving special consideration, the Superintendent/Designee may extend the unpaid personal leave to five (5) consecutive days.

Revised: October 26, 2000; August 23, 2001; September 12, 2002; October 22, 2009; June 12, 2014
Reviewed: January 22, 2015

EXHIBIT 2

File: GCC-E2

Albemarle County Public Schools**Leave of Absence (LOA) & Career Leave**

Leave of Absence: Allow for any employee to take time off for any reason.

Career Leave: Allow for a licensed employee to take time off for a specific purpose to pursue advanced study or other endeavor that enhances their professional performance.

CRITERIA	LEAVE OF ABSENCE	CAREER LEAVE
Purpose	Any reason	Advanced study or endeavor to enhance professional performance.
Eligibility	Permanent (not temporary); At least half-time; Licensed, Classified, Administrator; Completed probation.	Permanent (not temporary); No percentage specified; Only licensed teacher or administrator; At least 5 years uninterrupted years with Albemarle County.
Compensation/ Benefits	Unpaid	5-10 years: No stipend. Board contribution for medical/dental paid. ----- 10 or more: 10% stipend. Board contribution for medical/dental paid.
Application	Letter to supervisor; Supervisor endorses; Send to Asst. Supt. Support Services	Application form (required) to supervisor; Supervisor endorses; Send to Asst. Supt. Support Services
Deadline	None	June 1 st of the year preceding
Approval	Superintendent/Designee	School Board
Duration	No more than 1 year	No more than 1 year
Other	N/A	Granted on intent to return
Reference	Policy GCC	Policy GCC