

## Chapter 4 - Leave

### Section I Annual Leave

#### Purpose

The purpose of this policy is to provide the procedures for earning paid leave for time away from work for personal reasons including vacation time.

#### Scope

This policy applies to all employees who are not in temporary or emergency positions or in restricted positions for which the funding sources do not provide benefits. A part-time employee is one who works at least one half the normal work week hours or greater.

#### A. Annual Leave Accrual

##### 1. Rate

Employees earn paid annual leave on a pay period basis as follows:

- a. A full-time employee earns annual leave based upon years of service.
- b. A part-time employee earns annual leave at a proportionate rate.
- c. If the LDSS does not have monthly pay periods, annual leave is accrued each pay period in an amount proportionate to that earned on a monthly basis.
- d. The following chart sets forth the amounts of annual leave that may be accrued during each **month** based on years of service. A day equates to eight hours if the normal work schedule is forty hours. **If the weekly work schedule of the LDSS is not forty hours (e.g., 37.5 hours, 35 hours), annual leave accrual **must** be prorated based on the number of hours in the work week.** For LDSS that have bi-monthly or bi-weekly pay periods, the accrual rate can be adjusted accordingly.

Years of Service	<b>Monthly Accrual Rate (40-Hour Week)</b>	<b>Monthly Accrual Rate (37.5-Hour Week)</b>	<b>Monthly Accrual Rate (35-Hour Week)</b>
Up to 5 years	<b>8 hours</b>	<b>7.5 hours</b>	<b>7 hours</b>
5 years	<b>10 hours</b>	<b>9.375 hours</b>	<b>8.75 hours</b>
10 years	<b>12 hours</b>	<b>11.25 hours</b>	<b>10.5 hours</b>
15 years	<b>14 hours</b>	<b>13.125 hours</b>	<b>12.25 hours</b>
20 years	<b>16 hours</b>	<b>15 hours</b>	<b>14 hours</b>
25 years	<b>18 hours</b>	<b>16.875 hours</b>	<b>15.75 hours</b>

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- e. When hiring an employee who left a position without a break in service with another LDSS or the Virginia Department of Social Services, the LDSS has the authority to provide the employee with the same accrual rate of the previous position.

### 2. Accrual of Leave

Annual leave does not accrue until the end of the pay period in which it is earned and may not be used until the first day of the following pay period or work week.

### 3. Effect of Leave without Pay on Accrual

An employee on leave without pay for any part of the pay period or work week does not earn annual leave for that pay period or work week and may have the accrual rate affected (see Leave without Pay policy).

### 4. Carrying Over

- a. The following limits apply to the amount of annual leave that is permitted to be carried over to the next year as well as the amount that will be paid at termination.

<u>Years of Service</u>	<u>Maximum Yearly Carryover</u>
Up to 5 years	24 day
5 years	30 days
10 years	36 days
15 years	42 days
20 years	48 days
25 years	54 days

- b. For purposes of yearly carryover, a LDSS may designate a calendar year, fiscal year, or any other twelve (12) month period.
- c. A local board may grant exceptions to the limits of annual leave that may be carried over to be available only for use in the next year when employees have not been allowed to use their leave because of agency work demands over a substantial period of time. Such exceptions must be granted by the local board in writing. Exceptional annual leave carryover balances will expire in 12 months. Exceptions granted do not apply to the amount of annual leave that will be paid at termination of employment. The amount paid at termination will be up to the maximum yearly carryover limits listed in the Years of Service and Maximum Yearly Carryover chart.

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### Section VIII Sick Leave

#### Purpose

The purpose of this policy is to provide employees with paid leave for time away from work for personal illness or injury, medical appointments that cannot be scheduled outside work hours, or for the illness or injury of a family member.

#### Scope

This policy applies to full-time and part-time employees who are not in temporary or emergency positions. Part-time status is working half-time hours or greater.

#### A. Americans With Disabilities Act

The Americans with Disabilities Act (ADA) requires consideration of accommodations for qualified employees who have disabilities. Such accommodation may be in the form of intermittent sick leave. Further policy regarding ADA can be found in Section X.O. The Family Medical Leave Act (FMLA), the American with Disabilities Act (ADA) as amended and the Pregnancy Discrimination Act (PDA).

#### B. Sick Leave Accrual

##### 1. Rate

Employees earn paid sick leave on a pay period basis as follows:

- a. A full-time employee earns sick leave at the rate of 1.25 days a month.
- b. A part-time employee earns sick leave at a proportionate rate: e.g., and employee working half-time would earn  $\frac{1}{2}$  day of sick leave monthly and an employee working three quarters time would earn  $\frac{3}{4}$  day a month.
- c. For LDSS that do not have monthly pay periods, sick leave is accrued each pay period in an amount proportionate to that earned on a monthly basis: e.g., for LDSS with a semi-monthly pay period, the rate would be  $\frac{1}{2}$  day for each pay period for full time employees (for half-time employees the rate would be  $\frac{1}{4}$  day).
- d. If the weekly work schedule of the LDSS is not forty hours (e.g., 37.5 hours, 35 hours), sick leave accrual **must** be prorated based on the number of hours in the work week.

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### 2. Monthly and Semi-monthly Sick Leave Accrual Charts:

#### **40 Hour Workweek (8 Hours per Day)**

Monthly Accrual Rate in Days	Monthly Accrual Rate in Hours	Semi-Monthly Accrual Rate in Hours
1.25	10.00	5.00

#### **37.5 Hour Workweek (7.5 Hours per Day)**

Monthly Accrual Rate in Days	Monthly Accrual Rate in Hours	Semi-Monthly Accrual Rate in Hours
1.25	9.375	4.6875

#### **35 Hour Workweek (7 Hours per Day)**

Monthly Accrual Rate in Days	Monthly Accrual Rate in Hours	Semi-Monthly Accrual Rate in Hours
1.25	8.75	4.375

### 3. Accrual

Sick leave does not accrue until the end of the pay period in which it is earned and may not be used until the first day of the following pay period.

### 4. Effect of Leave without Pay on Accrual

If an employee is on leave without pay at any time during the pay period, no sick leave is earned for that pay period.

### 5. Carry Over

There is no limit to the amount of sick leave that is permitted to be carried over to the next year.

## C. Use of Sick Leave

### 1. Use

Sick leave cannot be used until it is accrued. There is no borrowing against future accruals.

### 2. Reasons for Use

Sick leave may be used for either personal or family reasons.

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### Section IX Disability Leave Program

#### Purpose

To provide an alternative leave system for use by local boards to address the leave needs of employees covered under employer paid short- and long-term disability programs. Local boards may choose to allow employees covered under short- and long-term disability programs to follow: 1) State Board sick leave accrual policy; 2) local jurisdiction's leave policy; or 3) State Board disability leave program policy. If the local jurisdiction's leave policy is chosen, it must apply to all local jurisdiction employees, including employees of the local department of social services.

It is recommended that local departments work with their local boards and their locality to determine the best approach for local department employees under a disability plan. If a local jurisdiction policy is chosen, local departments will submit an updated Local Policy Request Form to VDSS HR for approval.

#### Scope

This policy applies to full-time or part-time employees who are not in temporary or emergency positions and whose local boards have chosen to limit their sick leave as part of a short- and long-term disability plan. This group of employees includes full-time employees hired or rehired on or after January 1, 2014; full time employees who choose to opt-in to the hybrid retirement plan; or other employees as determined by the local board.

**A. Sick Leave Credit** – Sick leave will be credited on the following basis:

1. Sick Leave Credit
  - a. Full-time employees employed between January 1 and June 30, or other current full-time employees as determined by their local boards are credited the entire sick leave credit on the first day of their first full payroll period.
  - b. Full-time employees participating in the hybrid retirement plan and hired July 1 or later or current employees who opt into the hybrid retirement plan are credited 50% of the sick leave credit on the first day of their first full pay period or on the effective date of their election as applicable.
  - c. Part-time employees hired on January 1, 2014, or later may be granted a proportionate sick leave credit as determined by their local boards.
  - d. In subsequent years, the sick leave credit will be credited to eligible employees on the first day of the first full payroll period in January.

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- e. **If the weekly work schedule of the LDSS is not forty hours (e.g., 37.5 hours, 35 hours), sick leave accrual **must** be prorated based on the number of hours in the work week.**

### 2. Sick Leave Credit Charts

Eligible full-time employees hired from January 1 and June 30:

#### **40 Hour Workweek (8 Hours per Day)**

Years of Service with LDSS	Sick Leave Credit in Days	Sick Leave Credit in Hours
0 through 4	8	64
5 through 9	9	72
10 and beyond	10	80

#### **37.5 Hour Workweek (7.5 Hours per Day)**

Years of Service with LDSS	Sick Leave Credit in Days	Sick Leave Credit in Hours
0 to 4	8	60
5 to 9	9	67.5
10 and beyond	10	75

#### **35 Hour Workweek (7 Hours per Day)**

Years of Service with LDSS	Sick Leave Credit in Days	Leave Credit in Hours
0 to 4	8	56
5 to 9	9	63
10 and beyond	10	70

Eligible full-time employees hired from July 1-December 31:

#### **40 Hour Workweek (8 Hours per Day)**

Years of Service with LDSS	Sick Leave Credit in Days	Sick Leave Credit in Hours
0 to 4	4	32
5 to 9	4.5	36
10 and beyond	5	40

#### **37.5 Hour Workweek (7.5 Hours per Day)**

Years of Service with LDSS	Sick Leave Credit in Days	Sick Leave Credit in Hours
0 to 4	4	30
5 to 9	4.5	33.75
10 and beyond	5	37.5

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### 35 Hour Workweek (7 Hours per Day)

Years of Service with LDSS	Sick Leave Credit in Days	Sick Leave Credit in Hours
0 to 4	4	28
5 to 9	4.5	31.5
10 and beyond	5	35

#### 3. Effect of Leave without Pay on Sick Leave Credit

If an employee is on leave without pay on the day that the sick leave credit is granted, the sick leave credit is not granted until the employee is on paid status.

#### 4. No Carry Over or Payment Upon Separation

The sick leave credit does not accrue. No carryover of the sick leave credit from year to year is allowed. Sick leave credit balances are not paid out upon separation.

#### 5. Use of Sick Leave Credit

##### a. Use

The sick leave credit cannot be used until it is granted. There is no borrowing against future credits.

##### b. Reasons for Use

The sick leave credit may be used for either personal or family reasons.

##### (1) Employee's Own Use of Sick Leave Credit

Unless the LDSS has set a limitation, an employee may use the full amount of the sick leave credit for the employee's own care as follows:

- (a) When medically necessary and the employee is unable to perform the essential functions of the position;
- (b) Pregnancy and child-birth related medical conditions;
- (c) Medically documented chronic conditions;

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### c. Compensation Plan

The option or options approved by the local board to address the sick leave balances of employees opting into the hybrid retirement plan will be documented on the Local Department of Social Services Compensation Plan.

### B. Family and Personal Leave Credit – Family and personal leave will be credited on the following basis:

#### 1. Family and Personal Leave Credit

- a. Eligible full-time employees employed from January 1 to June 30 will be credited with the entire annual family and personnel leave credit on the first day of their first full pay period.
- b. Eligible full-time employees hired on or after July 1 and those current employees who opt-in to the hybrid retirement plan will have family and personal leave credited at 50% of the annual credit on the first day of the first full pay period after the effective date of their election or hire date as applicable.
- c. Part-time employees hired on January 1, 2014 or later may be granted a proportionate annual family and personal leave credit as determined by their local boards.
- d. In subsequent years, eligible employees will have the entire annual family and personal leave credit credited on the first day of the first full payroll period in January.
- e. Family and personal leave may not be used before it is credited.
- f. **If the weekly work schedule of the LDSS is not forty hours (e.g., 37.5 hours, 35 hours), family and personal leave accrual **must** be prorated based on the number of hours in the work week.**

#### 2. Family and Personal Leave Credit Charts

##### **Employees with less than 120 months of employment:**

Employment (or election) Date	Amount for 40-hour work week/ 8-hour workday	Amount for 37.5-hour work week/ 7.5-hour workday	Amount for 35-hour work week/ 7-hour workday
January 1- June 30	32 hours (4 days)	30 hours (4 days)	28 hours (4 days)
July 1- December 31	16 hours (2 days)	15 hours (2 days)	14 hours (2 days)



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### Employees with 120 or greater months of employment:

Employment (or election) Date	Amount for 40-hour work week/ 8-hour workday	Amount for 37.5-hour work week/7.5-hour workday	Amount for 35-hour work week/ 7-hour workday
January 1- June 30	40 hours (5 days)	37.5 hours (5 days)	35 hours (5 days)
July 1- December 31	20 hours (2.5 days)	18.75 hours (2.5 days)	17.5 hours (2.5 days)

### 3. Effect of Leave without Pay on Family and Personal Leave Credit

If an employee is on leave without pay on the day that the family and personal leave is granted, the family and personal leave credit is not granted until the employee is on paid status.

### 4. No Carryover or Payment Upon Separation

The family and personal leave credit does not accrue. No carryover of the family and personal leave credit from year to year is allowed. Family and personal leave credit balances are not paid out upon separation.