



Book	Policy Manual
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## STAFF LEAVES AND ABSENCES

Floyd County Public Schools provides leave benefits for eligible employees. Certain leave benefits provided by the school division are based on an employee's membership in the Virginia Retirement System (VRS). These regulations set forth eligibility requirements and the application process of leave benefits.

### Definitions set by the Virginia Retirement System (VRS)

1. VRS Plan 1 employees - Employees participating in the VRS whose membership date is prior to July 1, 2010. VRS Plan 1 employees who leave VRS employment and return to VRS employment without taking a refund of member contributions and interest return to employment as a Plan 1 participant.
2. VRS Plan 2 employees - Employees participating in the VRS who membership date is on or after July 1, 2010, but before January 1, 2014, or whose membership date is prior to July 1, 2010, but who did not have five (5) year of service by January 1, 2013. VRS Plan 2 employees who leave VRS employment and return to VRS employment without taking a refund of member contributions and interest return to employment as a Plan 2 participant.
3. VRS Hybrid Plan employees - Employees participating in the VRS:
  - a. Whose membership date is on or after January 1, 2014, with no prior VRS service (including former VRS employees who have taken a refund from the VRS, or
  - b. Who were hired prior to January 1, 2014, and who made an irrevocable election to opt into the VRS Hybrid Plan during a one-time opt-in period between January 1, 2014, and April 30, 2014.

### PERSONAL LEAVE

All full-time salaried employees who qualify for the Virginia Retirement System and part-time employees, regularly employed for twenty (20) hours per week or more, shall submit a request of intended absence to their principal or immediate supervisor at least forty-eight (48) hours prior to the expected absence. No specific reason for such personal leave shall be required or solicited. In case of emergency, the appropriate school official shall be notified prior to the start of the duty day to be taken off. The rules regarding personal leave shall be as follows:

1. Request to use personal leave shall be submitted using the school division's online Absence Management system and requires approval of the employee's immediate supervisor.
2. Leave on in-service days or immediately before or after a holiday or vacation may be requested, for reason, from the immediate supervisor. If the use of personal leave will substantially interfere with the effective operation of the school division, request for personal leave may be denied.
3. No more than one instructional staff member or ten percent of a staff of an administrative unit, whichever is greater, may take personal leave at any one time. Approval will be made by priority of time of receipt of request. Exceptions may be made by the Division Superintendent, in his sole discretion, upon recommendation of the Principal.

4. A maximum of three (3) days per contract year for personal leave shall be granted for full-time employees. Part-time employee groups, who regularly work at least 20 hours per week, shall be granted a maximum of two (2) days, equal to their regular work day, per contract year for personal leave. Any employee who does not begin work at the commencement of the contractual year for his/her classification will receive personal leave on a prorated basis.
5. Personal leave must be taken in minimum increments of one-half day (one-half of hours worked per day).
6. Personal leave for all employees may accumulate up to a maximum of six (6) days. Should personal leave not be utilized, no more than three (3) days will be carried over to the next school year. Any personal leave in excess of the maximum allowable days per school year will transfer to sick leave at the end of the school year.
7. "Immediate Supervisor" is defined for the following personnel groups:

<b>Employee</b>	<b>Immediate Supervisor</b>
Central Office Administrator/Director, Principal, Maintenance Supervisor, Transportation Supervisor	Division Superintendent
ITRT, Math Specialist, Gifted Specialist	Assistant Superintendent
School Psychologist, Behavioral Specialist	Director of Special Education & Student Services
ELL Teacher, Division Reading Specialist	Director of Federal Programs, Literacy & Assessment
Central Office & Technology Department Administrative Assistants	Department Administrator/Director
Administrative/Office Assistant, Assistant Principal, Cafeteria staff, Custodians, Instructional & Library Assistant, Learning Lab Leader, Media Specialist, Nurse, School Counselor, Teacher, Speech/Language Pathologist	School Principal
Information System Analyst, Instructional Technology Specialist, Technology Specialist	Technology Director
Maintenance & Transportation staff	Department Supervisor

#### ANNUAL LEAVE

Ten (10) and eleven (11) month staff employees of the Floyd County School Board are not granted annual leave.

Annual leave for vacations or other personal reasons for twelve (12) month teachers and part-time classified staff shall be one (1) day per month employed (12 days).

Annual leave for vacations or other personal reasons for all other twelve (12) month full-time salaried employees of the Floyd County School Board shall be earned according to the following schedule:

1. One (1) day of annual leave is earned for each completed calendar month or major fraction of workdays thereof for the first five (5) years of service.
2. One and one-fourth ( $1\frac{1}{4}$ ) days of annual leave are earned for each completed calendar month or major fraction of workdays thereof by personnel having over five (5) and up to ten (10) years of service.
3. One and one-half ( $1\frac{1}{2}$ ) days of annual leave are earned for each completed calendar month or major fraction of workdays thereof by personnel having over ten (10) years and up to twenty (20) years of service.
4. One and three-fourths ( $1\frac{3}{4}$ ) days of annual leave are earned for each completed calendar month or major fraction of workdays thereof by personnel having over twenty (20) years of service.

Annual leave must be earned before it can be taken except when special circumstances warrant prior approval by the Division Superintendent. Earnings and use of annual leave will be recorded for each employee on the 15th day of each calendar month.

Request to use annual leave shall be submitted to the employee's immediate supervisor using the school division's online Absence Management system. Annual leave will be scheduled and approved prior to the beginning of leave for an employee. Annual leave cannot be taken in less than one-half ( $\frac{1}{2}$ ) day increments.

Annual leave earned by an eligible employee may be allowed to carry over a maximum of 21 days accumulated annual leave per school year. All days over 21 as of the end of the fiscal year (June 30) that are not used by September 15 will be transferred to sick leave.

Employees terminating employment who have completed a minimum of five (5) years of continuous service in the school division may request a lump sum payment for accumulated unused annual leave days up to a maximum of ten (10) days

at a per diem rate based on their final annual salary.

Exceptions to payment for annual leave provisions are as follows:

- (1) Employees who are dismissed by the school division are not eligible.
- (2) Employees who do not request the payment within 12 months following the resignation forfeit all payments.

Payments of \$1,000 or more for annual leave will be paid as special pay into a 403(b) Annuity Supplemental Plan for all retiring employees. The 403(b) Annuity Supplemental Plan will offer provisions for immediate withdrawal or other investment options and participation will be mandatory for retiring employees. Payments of less than \$1,000 to retiring employees and payments to other terminating employees not retiring will be paid directly to the employee.

#### HOLIDAYS

All full-time 12-month employees of the Floyd County School Board shall be granted the following holidays:

1. Independence Day - July 4,
2. Labor Day
3. Thanksgiving Day and the day after Thanksgiving,
4. Winter Break - four (4) days: December 24, 25, 26 and one other day,
5. New Year's Day - January 1,
6. Martin Luther King Day
7. Spring Break - two (2) days,
8. Memorial Day,
9. Juneteenth Day.

When any of the above holidays fall on Saturday or Sunday, the Superintendent may designate other days, preceding or following the holiday, as the holiday for the full-time 12-month employees.

If an official school day is scheduled by board authority for any of the holidays, all full-time 12-month employees shall report for duty as usual. In such cases, the Superintendent will grant a compensatory day to all full-time 12-month employees during the school year.

#### SICKNESS AND ACCIDENT

The following provisions apply to all full-time, salaried teachers, administrators, central office staff, maintenance and custodial personnel, school bus garage employees, clerical workers, teacher assistants, and food services staff. It also applies to part-time employee groups, those regularly scheduled to work 20 hours or more per week:

1. All full-time 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. Those employees contracted for less than 190 days per school year (bus drivers and food service staff) may earn a maximum of nine (9) days for each yearly contractual period. Contracted part-time employees, who are regularly scheduled to work at least 20 hours per week, shall earn five (5) days on 10-month contracts, five and one-half (5.5) days on 11-month contracts, and six (6) days on 12-month contracts with days being equal to their regular workday. Part-time employees contracted for less than 190 days per school year will annually earn four and one-half (4.5) days per year, with days being equal to their regular workday. Contracted part-time employees who are regularly scheduled to work less than 20 hours per week are not eligible to earn leave nor use any previously accrued leave.
2. For full-time employees who are VRS Plan 1 and Plan 2 members, and all part-time employees, with a hire date prior to July 1, 2020, sick leave, if not used, may accumulate without limit. Employees who are VRS Plan 1 and Plan 2 members with a hire date of July 1, 2020, or after may accumulate a maximum of 300 days. The maximum accumulation of sick leave will be 125 days for full-time employees who are members of the VRS Hybrid Retirement Plan which provides additional sick leave benefits under the mandated disability component of the Hybrid.
3. Earnings for less than a full year shall be at the rate of one (1) 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.
4. Employees shall be permitted to anticipate sick leave earnings for the current 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 the salary or repay any amount paid for such leave not earned.
5. An employee cannot claim any portion of earned leave unless he/she 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/her credit not to

exceed such balances as of June 30 of the immediately preceding school year.

6. Such leave must be taken in minimum of one-half day increments (one-half the hours worked per day).
  - a. Employees receiving short-term disability pay under the VRS Hybrid disability program may be allowed to use fractions of available sick leave days to supplement their disability benefits as needed not to exceed 100% of their pre-disability normal gross payroll amount.
7. Sick leave shall be allowed for personal illness, quarantine, injury, pregnancy, birth of a child, adoption of a child, becoming a new foster parent, temporary physical or mental incapacity, funerals (one day per funeral), or regular medical and dental appointments.
8. Sick leave may also be allowed for illness or death in the immediate family requiring the attendance of the employee for no more than ten (10) consecutive days in any one case. An exception to this provision may be granted by the Division Superintendent. An employee who has a catastrophic long-term illness or injury as defined below and supported by a physician's statement of a spouse, child, or other relative living in the household requiring the attendance of the employee may use all available sick leave including sick leave bank.
  - a. The term "immediate family" of an employee shall be regarded to include mother, father, stepmother, stepfather, grandparents, grandchildren, wife, husband, children including adoptive and foster, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any other relative living in the household of the employee.
  - b. The term "catastrophic illness or injury" shall be defined as an acute or long-term illness or injury that is considered life-threatening or with the threat of a serious residual disability which results in the employee's inability to work.
    1. Examples of a catastrophic illness or injury include, but are not limited to:
      - Serious, debilitating illness, impairment, or physical/mental condition that involves treatment in connection with an overnight stay in a hospital, hospice, or residential medical facility.
      - High intensity/high frequency of treatment encounters necessary for a chronic or long-term condition that is so serious that, if not treated, would likely result in an extended period of incapacity or death.
      - Terminal illness.
    2. The Division Superintendent retains the right to determine whether the illness is "serious" based on the information received from the medical provider.
9. Any employee using sick leave for personal illness or family illness for five (5) consecutive days or more shall submit a doctor's certificate of illness and eligibility to return to work. Absences of five (5) consecutive days or more will be designated as leave according to the Family Medical Leave Act (FMLA) provisions as referenced in policy GCBE. The principal or Superintendent shall also have the authority to require reasonable proof of illness when deemed necessary.
10. For the employee's protection and the protection of co-workers, an employee must provide a written release, including any restrictions that may apply, from the treating physician or other accredited practitioner prior to returning to work for absences of five (5) consecutive days or more, and after a medical procedure, regardless of the number of days absence. Employees will only be allowed to return to work if they are able to perform the essential functions of their job.
11. Sick leave may be denied to any employee who is found guilty of making false statements of sickness, and such false statement shall be cause for dismissal. If an employee has a pattern of unusual and frequent absences, the employee may be required to provide information supportive of the absences including a statement from the treating physician.
12. If a VRS Plan 1 or Plan 2 employee is approved for VRS (Virginia Retirement System) disability retirement benefits or a VRS Hybrid employee is approved for VRS long-term disability benefits due to sickness or accident, sick leave pay will cease. The retired employee will be eligible for payment of any remaining unused sick leave as described in the provisions of this policy.
13. All accumulated sick leave shall terminate, except as defined below, upon the expiration of employment.
14. Upon termination of employment employees covered under this policy may transfer accumulated leave to another public school system or other Virginia Retirement System (VRS)-covered position provided the system to which the transfer is made signifies its willingness to accept such transfer.

15. The Floyd County School Board accepts the transfer of accumulated sick leave from other Virginia public school systems or agencies with VRS-covered positions for full-time employees. Floyd County School Board accepts sick leave transfer under this provision not to exceed 150 days for VRS Plan 1 and Plan 2 employees and not to exceed 90 days for VRS Hybrid employees. All requests for transfer days must be certified by the employee's previous employer.
16. An employee will be presumed to have left public school employment if he/she accepts employment other than in the public school system of Virginia, or is unable to be employed in the public schools of Virginia for a period of three (3) consecutive years because of illness or physical disability or family responsibility. An employee who leaves employment in the public schools to enter the armed services does not forfeit accumulated earnings unless he/she fails to return to public school employment immediately upon discharge from an original tour of duty in the armed services. However, current earnings cannot be allowed for the period while in the service.
17. Unused sick leave will be paid to employees upon termination of employment from the Floyd County School Division under the following provisions:
  - a. Sick leave days transferred to Floyd County Public Schools cannot be used until all days accumulated with the school division are consumed.
  - b. Upon retirement from the Floyd County School Division, any unused sick leave shall be paid under the following provisions:
    1. Employees who have completed a minimum of five (5) years of continuous service in the school division shall be paid for any unused sick leave earned in Floyd County.
    2. Employees who have completed ten (10) years or more of continuous service in the school division shall be paid for any unused sick leave.
    3. The rate of sick leave payout will be based on the final total balance of unused sick leave days upon retirement. Full-time employees shall be paid as follows:
      - a. For an unused sick leave balance of 1 – 199 days, the employee will be paid \$30.00 per day.
      - b. For an unused sick leave balance of 200 – 299 days, the employee will be paid \$40.00 per day.
      - c. For an unused sick leave balance of 300 days or more, the employee will be paid \$50.00 per day.
    4. Part-time employees shall receive payment for one-half of the above noted rates for full-time employees.
    5. Payments of \$1,000 or more for accumulated sick leave will be paid as special pay into a 403(b) Annuity Supplemental Plan for all retiring employees. The 403(b) Annuity Supplemental Plan will offer the employee provisions for immediate withdrawal or other investment options and participation will be mandatory for retiring employees. Payments of less than \$1,000 to retiring employees and payments to other terminating employees not retiring will be paid directly to the employee.
  - c. Employees who transfer out of the Floyd County School Division to another public school division or other agency in a VRS-covered position shall be reimbursed for unused sick leave which cannot be transferred at a rate of \$20.00 per day to full-time employees and \$10.00 per day to half-time employees under the following provisions:
    1. In calculating the maximum number of days, which can be transferred, sick leave earned in Floyd County will be credited for transfer prior to any sick leave accumulated in another locality.
    2. Employees who have completed a minimum of five years of continuous service in school division shall be paid for any unused sick leave earned in Floyd County, which cannot be transferred.
    3. Employees who have completed ten years or more of continuous service in school division shall be paid for any unused sick leave, which cannot be transferred.
  - d. Employees who resign from the Floyd County School Division, shall be paid for unused sick leave at a rate of \$10.00 per day for full-time employees and \$5.00 per day for half-time employees under the following provisions:
    1. Employees who have completed a minimum of five (5) years of continuous service in the school division shall be paid for any unused sick leave earned in Floyd County.
    2. Employees who have completed ten (10) years or more of continuous service in the school division shall be paid for any unused sick leave.
  - e. In the case of an employee's untimely death-in-service, unused sick leave shall be paid at the rate of \$20.00 per day for full-time employees and \$10.00 per day for half-time employees. Payment of the unused sick

leave will be made to the estate of the deceased employee.

f. Exceptions to payment for sick leave provisions are as follows:

1. Employees who resign and accept employment with another school division or other agency in a VRS-covered position where unused balances can be transferred are not eligible.
2. Employees who are dismissed by the school division are not eligible.
3. Employees who do not request the payment within 12 months following the resignation forfeit all payments.

g. Unused sick leave that is not eligible for transfer or payout may be donated to the sick leave bank upon request.

#### VRS Hybrid Employees - Disability Plan

VRS Hybrid Retirement Plan includes disability benefits as set forth by the Virginia Local Disability Program or a comparable program. Floyd County Public Schools provides these disability benefits to Hybrid employees with a comparable program through a third-party administrator (TPA). All benefit terms and conditions are outlined and follow the state-designed plan requirements. The employee is required to file a claim with the school division's TPA to determine eligibility. Approval of claims and award of benefits rest solely with the TPA.

Hybrid employees are eligible for work-related short-term disability benefits upon employment. Short-term disability benefits for non-work related illnesses are subject to a one-year waiting period after one year of employment with the school division. Short-term disability (STD) benefits begin after a seven-calendar day waiting period from the first day of disability and may continue up to maximum of 125 workdays. If the employee on short-term disability is still disabled after 125 workdays, the employee will be eligible to apply for long-term disability (LTD) benefits as determined by the plan.

The compensation benefit payable during the short-term disability absence is based on continuous months of service. During the first five years of continuous participation in school division's VRS Hybrid Disability program, employees are eligible for 60 percent of their pre-disability income. After the fifth year, employees are eligible for higher income replacement levels. Compensation is paid directly to the employee by the school division. Hybrid employees will use sick leave or other eligible leave to cover absences during the waiting period and use fractions of available sick leave days to supplement their disability benefits as needed not to exceed 100% of their pre-disability normal gross payroll amount.

During the short-term disability absence, the Hybrid employee will remain "active" and all benefits remain in force for a maximum of 125-work days as required by the state plan guidelines. Upon exhausting short-term disability benefits, approved long-term disability benefits are paid to the employee by the TPA. Health and life insurance benefits will be covered in accordance with the Code of Virginia Sections 51.1-1173 and 51.1-1174 during short-term and long-term disability periods.

Hybrid employees who qualify for disability benefits will also qualify for leave in accordance with the Family and Medical Leave Act (FMLA) in school board policy GCEB. All FMLA will run concurrently with disability benefits when the leave is related to their personal medical condition.

#### VRS Plan 1 & Plan 2 Employees - Short-term Absences

VRS Plan 1 and Plan 2 provide employees with provisions to apply for disability retirement benefits for a permanent disability but does not include short-term disability benefits as offered to VRS Hybrid employees. To provide similar qualifying benefits, the school division will allow employees who are VRS Plan 1 and Plan 2 members to utilize a combination of sick leave days, sick leave bank days and sick leave transfer days not to exceed 125 work-days for absences of a short-term nature. During the short-term disability absence, all benefits remain in force provided the employee is receiving paid leave with health and life insurance benefits being covered in accordance with the Code of Virginia Sections 51.1-1173 and 51.1-1174 if permitted.

VRS Plan 1 and Plan 2 employees on short-term absences due to a personal disability will also qualify for leave concurrently in accordance with the Family and Medical Leave Act (FMLA) in school board policy GCEB.

#### SICK LEAVE BANK

The intent of the Sick Leave Bank is to provide some protection for contracted school employees who have not had time to build up sick leave days, for those who have exhausted all available sick leave days and for those who experience catastrophic or long-term illness.

1. Membership shall be voluntary on the part of all personnel who are eligible to accrue sick leave. For full-time employees who are members of VRS Plan 1 or Plan 2 Retirement Programs, and all part-time employees, membership shall be continuous unless withdrawn in writing prior to September 30 each year. Employees who are members of the VRS Hybrid Retirement Plan may join the Sick Leave Bank for the one-year waiting period of becoming eligible for non-work related disability benefits under the Hybrid disability program. Membership for VRS Hybrid employees will automatically terminate after the one-year of continuous employment service period has been met.

2. An eligible employee may enroll by donating a minimum of one (1) day of accumulated sick leave to the bank. A Sick Leave Bank Enrollment form must be submitted to the Payroll Office within the first 30 calendar days of employment or prior to September 30 of any following school year. An employee who does not enroll when first eligible may do so by making application and providing satisfactory evidence of good health to the Payroll/Benefits Office. Such an employee shall be enrolled in the bank for six (6) months prior to becoming eligible to utilize the benefits of the Sick Leave Bank.

3. Because the Sick Leave Bank is made up of donated sick leave days from employees who voluntarily join the Bank as members, conditions required for use of Sick Leave Bank days will be as follows:

a. The employee must make application for the benefit by completing the appropriate form indicating the specific catastrophic or long-term illness experienced by the employee; participation is not automatic.

b. For the participating member to be eligible to receive sick leave days from the bank, a doctor's certification is required and shall be submitted to the Payroll Office. Such certificate shall identify the nature of the illness or disability, the date of onset and the projected date of return to work.

c. Sick Leave Bank days may be used during maternity leave for the medical disability after the birth of a child. Generally, the typical medical disability after the birth of a child is an expected 6-weeks for a normal birth delivery or 8-weeks for a C-section delivery. Additional time off allowed under Family Medical Leave Act (FMLA) maternity leave beyond the expected medical disability is not eligible for use of Sick Leave Bank days except in circumstances where the employee experiences medical complications or other medical conditions which renders the employee disabled beyond the typical period for maternity leave as noted above. It is not the intent of the Sick Leave Bank to provide sick leave days for extended FMLA for bonding time.

d. The first 30 consecutive contract days of illness or injury will not be covered by the Sick Leave Bank but must be covered by the member's own accumulated sick leave, personal leave, annual leave or leave without pay.

e. A member of the Sick Leave Bank will not be granted sick leave from the bank until all their own leave is depleted including sick, personal and annual leave.

f. A maximum of 30 days per school year may be withdrawn by a member meeting the requirements.

g. Participating members must meet the requirements of above statements 3(b), 3(c), and 3(d) at the beginning of each school year before borrowing from the bank again.

h. Days drawn from the bank for any one period of eligibility must be consecutive. If the member suffers a relapse or reoccurrence within 30 working days due to the same illness or injury which necessitated initial utilization of the bank and the member has not used all of the 30 days maximum allowed from the bank in that one school year, the member need not meet another 30-workdays of illness requirement. Otherwise, members returning to work must meet the 30-workday waiting period before being eligible to utilize the Sick Leave Bank again.

i. Employees receiving worker's compensation benefits, Virginia Retirement System (VRS) disability benefits, or any other optional disability benefits made available by the school division shall not be permitted to draw from the bank.

j. Members utilizing sick leave days from the bank will not have to replace these days except as a regular contributing member of the bank.

k. To be eligible for the Sick Leave Bank, the employee must return to work without voluntary resignation after the use of the sick leave bank days. A voluntary resignation will result in forfeiture of any sick leave bank days used and pay will be docked accordingly. Any extenuating circumstances will be considered by the Division Superintendent on a case by case basis.

l. Termination of employment or retirement will not permit an employee to withdraw his/her days previously contributed.

m. The sick leave bank may be used when an enrolled employee or family member requiring attendance of the employee as eligible under the Sickness and Accident leave provision, item 8, is incapacitated by illness or injury, which has been certified by a doctor.

n. Members of the bank shall be assessed one (1) day of sick leave if the bank falls below fifty (50) days. A member may withdraw from the bank if he/she does not accept the assessment, but shall lose all contributed days to that point. Members who have no leave to contribute at the time of assessment will be assessed from the first sick leave day subsequently accumulated. An employee who has initially joined the Sick Leave Bank will not be reassessed in the same school year.

o. Extenuating circumstances will be considered by the School Superintendent and advisory committee made up of seven (7) members of the Sick Leave Bank. The advisory committee will include the Superintendent, one central office administrator, and one representative for each school which will be designated as follows: one elementary teacher, one secondary teacher, one support staff employee, one member designated by the president of the Floyd County Education Association and one other member designated by the Superintendent.

p. Days in the Sick Leave Bank not used will be carried over to the next year.

#### 4. Withdrawal from Sick Leave Bank Membership

a. An employee may withdraw from the Sick Leave Bank membership at any time by providing written notice to the Payroll/Benefits Office. Withdrawal terminates the employee's entitlement to use leave days from the Sick Leave Bank effective on the date following the written notice and automatically forfeits any contributions previously made to the Bank.

#### 5. Termination of Bank

a. The School Board reserves the right to abolish the sick leave bank at any time. If the Sick Leave Bank becomes inoperative or is eliminated, the School Board shall not be held responsible: (1) to anyone then currently drawing from the Bank, or (2) to anyone then eligible or who may thereafter become eligible to draw from the Bank, or (3) for claims by any employee against the Sick Leave Bank from its inception or at any time in the future.

b. If the Sick Leave Bank should be abolished for any reason, any sick leave days remaining in the Bank at that time will be distributed first to those members then drawing days from the Bank. From the remaining sick leave days, if any, a minimum of one-half day will be credited to each current member. If there are not sufficient sick leave days to credit at least one-half day to each member, then the Sick Leave Bank will be terminated and no further distribution will be made.

#### SICK LEAVE TRANSFER PLAN

The intent of the Sick Leave Transfer Plan is to provide pay coverage for an employee suffering from a serious medical condition including a catastrophic long-term illness or injury as defined in the Sickness and Accident item 8(b) of this policy and has depleted all of their own available leave including sick leave, personal leave and/or annual leave. The transfer provisions are also available for an employee who has a spouse, child or other relative living in the household requiring the attendance of the employee who is suffering from a catastrophic long-term illness or injury as defined in the Sickness and Accident item 8(b) of this policy. This plan is not intended to provide pay coverage for illnesses or accidents less than as defined above that have resulted in depletion of any employee's available leave days.

1. For an employee who is eligible to earn accumulated sick leave and is a member of the Sick Leave Bank who has a serious medical condition including a catastrophic long-term illness or injury of their own as defined above, transfer provisions are available as follows:

a. To be eligible for the transfer, the employee receiving the transferred sick leave days must meet the following conditions:

1. Must make application for accepting transfer sick leave by completing the appropriate form.
2. Must provide a physician's certification which identifies the nature of the illness or disability, the date of onset and projected date of return to work.
3. Must have utilized all of their available accrued leave including sick, personal and/or annual leave.
4. Must have used the maximum of 30 days allowed from the Sick Leave Bank.
5. Must return to work after the use of the sick leave transfer days. Failure to return to work will result in forfeiture of any sick leave transfer days used and pay will be docked accordingly. Any extenuating circumstances will be considered by the Division Superintendent on a case by case basis.
6. The maximum number of days which may be transferred to an individual member for any combination of transfers is 30 days for each illness or injury.

b. Personnel wishing to transfer sick leave days must meet the following conditions:

1. Must submit the Sick Leave Days Requisition form to the Payroll Office.
2. Must have an accumulated sick leave balance of at least 50 days.
3. The maximum number of days an employee may transfer to a sick leave bank member shall be five (5) days per school year.

2. For an employee who is eligible to earn accumulated sick leave but is not a member of the Sick Leave Bank, excluding VRS Hybrid Plan employees who are eligible for disability benefits through the Hybrid disability program, who has a serious medical condition including a catastrophic long-term illness or injury of their own as defined above, OR for an employee who is eligible to earn accumulated sick leave who has a spouse, child or other relative living in the household requiring the attendance of the employee due to a catastrophic long-term illness or injury as defined above, transfer provisions are available as follows:



- a. To be eligible for the transfer, the employee receiving the transferred sick leave days must meet the following condition(s):
1. Must make application for accepting transfer sick leave by completing the appropriate form.
  2. Must provide a physician's certification which identifies the nature of the illness or disability, the date of onset and projected date of return to work.
  3. Must have utilized all of their available accrued leave including sick, personal and/or annual leave.
  4. Must return to work after the use of the sick leave transfer days. Failure to return to work will result in forfeiture of any sick leave transfer days used and pay will be docked accordingly. Any extenuating circumstances will be considered by the Division Superintendent on a case by case basis.
  5. The maximum number of days which may be transferred to an employee for any combination of transfers is 15 days for each illness or injury.
- b. Personnel wishing to transfer sick leave days must meet the following conditions:
1. Must complete the Sick Leave Days Requisition form and submit to the Payroll Office.
  2. Must have an accumulated sick leave balance of at least 50 days.
  3. The maximum number of days an employee may transfer shall be five (5) days per school year per case.
3. The employee who wishes to apply for benefits under the Sick Leave Transfer Plan will be eligible for one of the two available options noted above. These options may not be combined.
  4. Employees receiving worker's compensation benefits, Virginia Retirement System (VRS) disability benefits, or any other optional disability benefits made available by the school division are not eligible for the Sick Leave Transfer Plan benefits.
  5. All transfer of sick leave must be entirely voluntary and employee initiated.

#### PROFESSIONAL LEAVE

Professional leave may be granted so that staff members can attend conferences, attend workshops, attend staff development programs, and participate in professional activities. Requests for professional leave shall be approved by the principal or appropriate supervisor prior to the date of the professional leave activity.

#### WORKERS' COMPENSATION BENEFITS FOR INJURY ON THE JOB

Employees of the Floyd County Public Schools are covered by Workers' Compensation insurance as provided by Virginia State Law should they experience a work-related injury or illness. These benefits may provide payment for medical, hospital and surgical expenses, in addition to appropriate compensation if work-related disability requires absence from work.

##### A. Reporting Injury

1. An injury or illness sustained directly in the performance of work, as provided by the Virginia Workers' Compensation Act, must be reported immediately to the employee's supervisor.
2. The injured employee and the supervisor must call the Company Nurse Injury Hotline at 1-888-770-0925 immediately following the accident/incident. The call must be completed regardless of the severity of the injury, even if an immediate injury is not apparent, and whether or not medical treatment is required. After the incident has been reported to Company Nurse ® the employee's supervisor is responsible for notifying the Personnel Office.
3. In the event the employee's supervisor is not available, incidents of injuries should be reported directly to the Personnel Office.
4. Employees must provide sufficient information required to Company Nurse ® and will be required to provide additional information pertaining to their claim when requested.
5. If the employee fails to properly report an accident/incident, the employee may not be entitled to benefits under the Virginia Workers' Compensation Act. All claims for eligibility are determined by the school division's carrier for workers' compensation insurance.
6. No compensation or medical benefits will be payable unless written notice is provided within 30 days after the occurrence of the injury pursuant to Code of Virginia, Section 65.2-600, unless reasonable excuse is made to the satisfaction of the Workers' Compensation Commission for not giving such notice and the Commission has determined that the school division has not been prejudiced thereby. In any event, the right to compensation under this plan will be forever barred unless a claim is filed with the Commission

within two (2) years after the accident.

## B. Medical Treatment

1. If the injured employee seeks medical attention, it is the employee's responsibility to inform the treating physician/medical facility that the injury is work-related. Failure to do so may result in the medical treatment being billed to the employee's personal health care insurance or the employee being held personally responsible for payment of medical treatment.
2. The injured employee will be financially responsible for any treatment not specifically authorized by the treating physician which has been determined not to be compensable under workers' compensation.
3. An employee who refuses to accept recommended medical service or vocational rehabilitation training will not be eligible for workers' compensation benefits.
4. If the injured employee is required to be absent from work, the employee shall provide the Personnel Office with a doctor's status report from the treating physician for all periods of disability. Additional doctor reports will be required every 30 days of absence until the employee is able to return to work. Workers' compensation wage benefits will not be provided without proper medical documentation.

## C. Salary/Wage Benefits

1. Workers' Compensation wage benefits are provided at the rate of two-thirds( $\frac{2}{3}$ ) of the employee's average weekly wage, subject to weekly maximums established by the Virginia Workers' Compensation Commission. Workers' compensation wage benefits are not subject to payroll taxes.
2. In accordance with the Virginia Workers' Compensation Act, Code of Virginia Section 65.2-509, no workers' compensation wage benefits will be allowed for the first seven (7) calendar days of incapacity resulting from an injury. The initial seven (7) day period will be charged to the employee's accrued leave or recorded as leave without pay. If incapacity extends beyond that period, workers' compensation wage benefits will commence with the 8th day of disability. The workers' compensation wage benefit will be two-thirds ( $\frac{2}{3}$ ) of the employee's average weekly wage (subject to weekly maximums) and one-third ( $\frac{1}{3}$ ) day will be charged to the employee's accrued leave or recorded as leave without pay. If the period of disability continues for more than 21 calendar days, then workers' compensation wage benefits will be provided from the first day of incapacity. Any compensation provided from accrued leave is subject to payroll taxes.
3. In cases when the disability continues for more than 21 calendar days, any accrued leave used by the employee for the first seven (7) days will be reinstated and leave records will be adjusted accordingly (i.e.,  $\frac{2}{3}$  of the day posted as workers' compensation and  $\frac{1}{3}$  of the day charged to accrued leave or leave-without-pay) Employees who were in a paid leave status for the first seven (7) days of disability, will have those wages adjusted to reflect the workers' compensation wage benefits. Employees who have been in a leave-without-pay status will be compensated in accordance with the workers' compensation wage benefits after the 21st day of disability for the first seven (7) days of disability. Employees are not entitled to dual wage compensation, if accrued leave is utilized for the first seven (7) days of disability.
4. If the injured employee exhausts all accrued leave to supplement the workers' compensation wage benefits while continuing to experience work-related disability, the employee will receive only the workers' compensation wage benefits allowed.
5. During the period of work-related disability for a workers' compensation claim, the injured employee is not eligible to access leave days from the Sick Leave Bank in order to receive full salary benefits.
6. Form Workers' Compensation Wage Benefit & Pay for Injury on the Job must be completed and submitted to the Personnel Office by the injured employee indicating their acceptance of workers' compensation wage benefits and the use of accrued leave to cover absences not provided. The employee may also choose not to use accrued leave by indicating their choice on the form. If no form is submitted, accrued leave will automatically be used to supplement the workers' compensation wage benefits.
7. Workers' Compensation wage benefit checks from the insurance carrier will be made payable to the injured employee and mailed to the school division for distribution to the employee.
  - a. Upon receipt of the workers' compensation wage benefit checks, the Personnel Office will provide copies of all checks to the Payroll Office.
  - b. The Payroll Office will verify with each workers' compensation check the employee's reported days of absence and make adjustments to the employee's salary for the amount of wage benefits received by the employee from the workers' compensation insurance carrier.

8. An employee on workers' compensation disability leave is financially responsible for all voluntary payroll deductions including medical and dental insurance premiums.
  - a. An employee utilizing accrued leave to supplement the workers' compensation wage benefits for continuance of full salary, will continue with voluntary payroll deductions. If the payroll check is not sufficient to cover the voluntary deductions, or if the employee is not receiving a payroll check from school division, the employee shall make direct payments for healthcare insurance premiums and other voluntary deductions to the Payroll Office by the 20th day of each month. Failure to do so will result in cancellation of the insurance coverage.
9. The injured employee will continue to receive the benefits provided by the school division on the same conditions as benefits would be provided if the employee were working for a period of one year from the date of injury. However, the employee who is not using accrued leave during the workers' compensation disability, will not be eligible for Virginia Retirement System (VRS) benefits. If an employee has not returned to work at the expiration of the one year limitation, all benefits provided by the school division will terminate. Workers' compensation benefits are limited to statute of 500 weeks and will be available to the injured employee after the 52-week limitation of school division benefits expires. Employees may apply for disability retirement if they meet the eligibility requirements established by the VRS.

#### D. Return to Work

1. Upon returning to work, the injured employee will be required to provide a release to work from the attending physician stating the date the employee may return to work with or without limitations. If restrictions are necessary, these must be specific in relation to the employee's job.
2. The school division recognizes the need for a modified work program for employees who may be temporarily unable to perform their regularly assigned duties due to a work-related injury. Every effort will be made to coordinate with the employee and the physician for providing work that is within the employee's limitations.
3. Light duty assignments will be approved by the Personnel Office based on the recommendations of the treating physician and the availability of light duty position within the department where the employee is regularly assigned.
4. An employee refusing to accept an approved modified work plan or light duty assignment for which he/she is capable of performing will be ineligible for workers' compensation benefits and their employment may be terminated.

#### FEDERAL AND STATE JURY DUTY

Employees called for jury duty maybe 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). Travel paid by the court is the property of the individual. Any per diem rate of pay provided by the court must be remitted to the school division's Finance/Payroll Department. If the employee chooses to retain the jury duty payment, the employee's salary will be docked as leave without pay (LWOP) or must use personal or annual leave for the days not reported to work while serving jury duty.

#### COURT APPEARANCE

Employees subpoenaed or summoned to appear in any court of law or equity, except as a defendant in a criminal matter, may be absent without loss of pay. Further, such employee will not be required to use personal leave or annual leave as a result of the employee's absence from employment due to such court appearance. The employee must give reasonable notice to the employee's immediate supervisor that such an absence is anticipated and provide a copy of the subpoena or summons to the Payroll Office.

When attending to personal legal transactions, employees must use personal leave or annual leave, or be placed on a leave without pay status. Any employee charged with an offense and summons to court for the commission of the offense, shall be charged the time off from work against personal leave or annual leave, or in instances where personal leave and/or annual leave have already been used, the employee will not receive salary during the time away from work. Should the employee be found innocent, the circumstances may be reviewed and the time away from work may be granted with no penalty.

#### LEAVE-OF-ABSENCE FOR PROFESSIONAL STAFF

Leave-of-Absence may be granted to tenured teachers on continuing contract, administrators, and instructional supervisors, without pay for professional full-time study (minimum of 24 semester hours), foreign teaching assignments or exchange teaching, serious illness of a member of employee's immediate family, and service in teacher corps, VISTA, the Peace Corps, or other activities approved by the Superintendent. Requests for leave-of-absence shall be made to the Superintendent prior to March 1 for the succeeding school year or in case of illness as soon as possible. Response to

requests will be made as soon as possible or prior to April 15 by the Superintendent. Extended leave shall be for a period of one year.

During an approved leave-of-absence without pay, an employee may maintain Virginia Retirement System (VRS) group life insurance if the full premium for the coverage is paid to the school division by the employee. Eligibility for continued group health insurance benefits as permitted by plan regulations is also available if the employee pays the full premium for the coverage(s) with no portion of the premiums paid by the school division.

Requests for leave-of-absence for graduate studies shall be screened for validity, and no more than three (3) such leaves will be granted in any one school year. The requests deemed to have validity will be considered in the order in which they are received.

Twelve-month employees may be granted one full summer every three (3) years with pay to secure college credit leading to a Masters' degree in an approved course of study. Holders of M.A. Degree, who are employed twelve months, may also be granted one full summer every three (3) years with pay to secure additional college credit, if approved by the superintendent. This leave is in lieu of two weeks annual leave.

Request for reinstatement following extended leave shall be filed in the Superintendent's office on or before March 1 for the ensuing school year.

A teacher returning from leave-of-absence for graduate studies will not be guaranteed his former assignment but will be placed in a comparable position in his field of endorsement for the next school year.

A teacher returning from leave-of-absence for medical reasons will not be guaranteed his/her former assignment but will be given first consideration to any position vacant that the employee is qualified to fill.

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