

LEAVE REGULATION

Annual Leave

Annual leave shall be granted to all full-time twelve-month employees of the School Board. All eligible employees accumulate a specified amount of time off, beginning the first day of employment. Service years for annual leave will be earned in this school division. Annual leave accrues at the following rate:

<u>Months (Completed)</u>	<u>Hourly Equivalent</u>
0 - 47	1 day
48 - 71	1¼
72 - 131	1½
132 - 239	1¾
>240	2 days

The minimum amount of leave taken must equal one (1) hour.

Effective July 1, 2008, employees may accrue and carryover from year to year a maximum of the hourly equivalent of 54 days of annual leave. Annual leave accrued in excess of the hourly equivalent of 54 days will be converted to sick leave on July 1.

Employees will request annual leave in advance, and the request may be approved or denied. Decisions to deny annual leave may only be made by the principal, department head, or designee and should be based on business reasons, i.e., to ensure the smooth and uninterrupted provision of services, and must be applied consistently within a school, department, or work unit.

When 12-month employees terminate employment with the division, the maximum leave payout will be the hourly equivalent, at per diem, of 54 workdays, as defined by the receiving employee's workday.

Sick Leave

Sick leave is a designated amount of compensated leave granted to all full-time employees for personal illness, injury, quarantine, maternity reasons, illness in the immediate family, other temporary disabilities, dental and medical appointments, or any other reason which makes the employee eligible for leave under the Family and Medical Leave Act. Full-time employees will earn sick leave at the rate of the hourly equivalent of one day per complete month of employment; e.g., 10-month employees earn the hourly equivalent of 10 days, 11-month employees earn the hourly equivalent of 11 days and 12-month employees earn the equivalent of 12 days. Employees who are hired after the beginning of the school year will receive a prorated amount of sick leave. There will be no limit to the number of sick leave days hours an employee may accumulate for Virginia Retirement Systems (VRS) Plan 1 and Plan 2 employees. Sick leave accumulation is limited to 90 days (or 720 hours) for VRS hybrid plan employees.

A physician's statement of illness may be required if sick leave is taken for the hourly equivalent of three or more consecutive days. A physician's statement of illness will be required after an employee is absent for the hourly equivalent of five consecutive days due to illness. Reason(s) for the use of sick leave may be required when a pattern of frequent absence develops. The School Board shall at all times retain the right to designate an employee's leave as family medical leave in accordance with the Family and Medical Leave Act.

Sick leave or leave without pay will be allowed during an employee's pregnancy and for the period of time during and after childbirth under the following conditions.

1. That such continued employment is approved in writing by her physician and submitted to the Office of Human Resources
2. For that time absent from duty for visits to a doctor for prenatal care
3. For that time which the employee's physician has specified, in writing, that the employee is physically unable to perform her duties, a physician's report will be required to certify the employee's eligibility for use of sick leave
4. Sick leave will be allowed for use by a male employee to assist his spouse to visit a doctor for prenatal care, for entry into the hospital for delivery, and for release from the hospital or in accordance with the Family and Medical Leave Act.

If an employee has no accrued leave, leave without pay will be allowed for pregnancy conditions as described above.

Long-Term Illness or Injury Leave

Leave for long-term illness or injury will be governed by these regulations. This Regulation shall apply to VRS Plan 1 and VRS Plan 2 employees. VRS Hybrid employees are not eligible for long-term illness or injury leave.

- A. An employee who is unable to work because of personal illness or injury and who has exhausted all available sick leave and Family Medical Leave may be granted a leave of absence without pay for a period not to exceed twelve calendar months.
- B. Insurance benefits normally provided by the School Board will remain in force during such leave of absence. For anytime the employee is on unpaid and non-Family Medical Leave, the employee will be responsible for making appropriate payments for health benefits.
- C. Upon notification by the employee, or prior to the conclusion of the leave of absence, the Department of Human Resources, in conjunction with the employee's physician, will determine if the employee is able to return to work. If the determination is made that the employee is able to return to work, the employee will be assigned to the first available position of which the employee is qualified, provided that if more than one unit member

has given notice pursuant to this paragraph, the employee who has given notice at the earliest date will be assigned to the position in question. The employee shall return only at semester breaks.

- D. An employee whose illness or injury requires absence beyond twelve (12) calendar months will be removed from the payroll. Employees requesting an exception to this regulation will be examined on a case by case basis by the Department of Human Resources according to the American with Disabilities Amendments Act.
- E. If Family Medical Leave as described in the Family Medical Leave Act of 1993 has not been fully utilized prior to initiating this long-term illness/injury leave, the initial weeks necessary to fully utilize Family Medical Leave shall be credited to said Family Leave.

Sick Leave Buy-Out/Transfer

Any employee who has been employed in the division for a minimum of five consecutive years prior to the date of separation from Portsmouth Public Schools shall be eligible to be paid a daily rate of \$20 a day for all accumulated sick leave days based on the scheduled hours per day earned provided that funds have been included in the approved annual budget.

The Portsmouth Public School Division may accept the transfer of accumulated sick leave for full-time employees from other Virginia school divisions. It is the responsibility of the individual to affect the transfer of sick leave into the Portsmouth Public School Division.

All accumulated sick leave will expire if an employee fails to return to employment with the Portsmouth Public School Division within five years of the employee's termination.

Employees, as specified in this regulation, shall be entitled to use sick leave in one (1) hour increments.

Sick leave shall be credited to family medical leave as described in the Family Medical Leave Act of 1993, if the event qualifies as a family medical leave event.

Income Replacement Due to a Hybrid Employee's Personal Illness

- a. The Virginia Local Disability Program (VLDP) is an income replacement benefit which coordinates School Board Sick Leave benefits with short-term and long-term disability insurance for VRS Hybrid Plan employees with a personal illness.
- b. Sick Leave accrual for Hybrid Plan members is the accrual established in this Policy. Sick Leave for Hybrid Plan members will be accrued and used consistent with this Policy. Sick Leave must also be used in conjunction with the VLDP to provide income replacement benefits for personal illness. The general provisions guiding use of Sick Leave for income replacement purposes are the following:

- i. Short Term Disability begins on the 8th day of absence for personal illness; direct income replacement, if any, begins when Short Term Disability begins;
- ii. Approved Short Term Disability cases may continue for up to 125 days with income replacement (this benefit is paid by the school division even if the employee has no sick leave);
- iii. When Short Term Disability ends, employees will be placed on Long Term Disability through the VRS VLDP Administrator
- iv. Long Term Disability continues until an employee is able to return to work or is eligible to retire pursuant to Hybrid Plan requirements
- v. Short Term Disability runs concurrently with the Family Medical Leave Act
- vi. Employees must use accrued sick leave (whole days) in conjunction with VLDP to maintain their regular income

c. Income replacement during disability for Hybrid Plan members, if any, is based on the following schedule:

Months of Continuous Service	Workdays of Income Replacement at 100%	Workdays of Income Replacement at 80%	Workdays of Income Replacement at 60%
Less than 12	0	0	0
13 – 59	0	0	125
60 - 119	25	25	75
120 - 179	25	50	50
180 or more	25	75	25

Bereavement Leave

Bereavement leave may be taken by an employee of the Portsmouth Public School Division. Effective July 1, 2017, an employee who has a death in the family will be allowed up to the hourly equivalent of three (3) days of paid bereavement leave as approved by the employee’s principal, director, or department head. If more than the hourly equivalent of three days are needed for a death in the family, employees shall use sick, personal, or annual leave to cover the additional days. The immediate family of the employee will be interpreted to include the employee’s spouse; parents; stepparents; parent-in-law; brother; sister; brothers/sisters in-law; brothers/sisters-step; grandparents; grandchildren and any relative living in the household of the employee.

Religious Leave

Religious leave may be taken by an employee of the Portsmouth Public School Division. Religious leave taken shall be deducted from earned sick leave and shall be limited to the hourly equivalent of three days per school year.

Personal Leave

Full-time employees who are not eligible for annual leave will be granted three (3) personal leave days per year with the following exceptions:

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| Cafeteria (5.25 hours or less) | - hourly equivalent of 1 day a year |
| Bus Driver | - hourly equivalent of 1 day a year |
| Bus Monitor | - hourly equivalent of 1 day a year |
| Crossing Guard | - hourly equivalent of 1 day a year |

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