

STAFF LEAVES AND ABSENCES

All employee leaves and absences are subject to school division policy and regulations. The superintendent shall establish any regulations necessary for the application of the division's policies regarding leaves and absences.

Adopted: April 9, 2012

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.:	GCBE	Family and Medical Leave
	GCBEA	Leave Without Pay
	GCBEB	Military Leave and Benefits
	GCQA	Nonschool Employment by Staff Members

Leave of Absence Without PayA. Personnel Covered

This policy shall apply to all full-time licensed employees.

B. Definition

Leaves of absence without pay may be granted for educational purposes, personal illness or rest and recuperation.

C. Credit on Salary Schedule

Time spent on leave of absence is not considered to be a period of service for the purpose of determining placement on the salary schedule.

D. Group Insurance

Group Insurance plans maintained by the school board may be kept in effect for a period not to exceed one (1) full year if the person so affected assumes the responsibility for payment of the insurance premiums.

E. Return from Leave

Approval of the request for leave of absence assures an employee that at the expiration of the leave, the employee will be offered the first position the superintendent considers appropriate that becomes available in the school division. The re-employment will be with full rights and privileges to which the individual was entitled and qualified at the time the leave became effective. Should two or more employees be eligible for the same position, the one who first began his/her period of leave shall receive first consideration. An employee who is granted a leave of absence shall notify the superintendent in writing of his/her intent to seek active employment.

This policy shall in no way infringe upon the rights and responsibilities of the superintendent in the assignment of personnel as prescribed by Virginia School Laws.

F. Application

Application for leave of absence must be addressed to the division superintendent and shall state the reason for the request, the period of time (not to exceed one year)

(continued)

F. Application (continued)

for which leave is desired, and the intention of the applicant to resume employment in the school division.

Reporting AbsencesA. Generally

A report of absence from duty of all employees of the Tazewell County schools, both licensed and classified is to be made to the superintendent. This report will be made by the school principal for all employees assigned to his building and by department heads for employees assigned to their departments. In cases involving illness or accident where an extended period of absence is anticipated, the principal or department head should send a progress report at the end of the first ten-day period.

B. Principals

When a principal finds it necessary to be absent from the building for other than routine affairs he/she should notify the superintendent of the nature and the dates of the absence.

In a case of absence from the school of the school principal for a period of five (5) days or less, when his/her duties can be absorbed by teachers of the schools and/ or the calling of a substitute teacher, it shall be deemed unnecessary to appoint an acting principal.

In a case where it is necessary for the principal to be absent, the assistant principal shall assume his/her duties. If there is no assistant principal, the principal shall appoint a designee subject to the approval of the superintendent.

Classified Personnel Leave of Absence

Upon written request, the board of education may grant leave of absence without pay for a prolonged illness, provided the employee presents a written statement from a physician that continued work will be detrimental to his/her health.

A classified employee who obtains a leave of absence on the basis of a physician's recommendation, before being recommended to the board to return to his or her duties, shall present a recommendation signed by a physician stating that he or she is physically and otherwise capable of resuming duties.

Approved by School Board: July 15, 2002

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PERSONNEL

Sick Leave

A. Generally

The Tazewell County School Board accepts, as a basic premise, the "State Sick Leave Plan for Teachers" as cited in the regulatory authority to this regulation with the supplementary rules and regulations as detailed in Part B following.

B. Supplemental Rules/Regulations

These regulations apply to all full-time employees of the Tazewell County School Board unless excluded within the text.

1. All full-time employees earn one (1) day sick leave for each month of employment.
2. Sick leave, if not used, may accumulate to an unlimited number of days for employees earning service credit under VRS Pension Plan 1 and Pension Plan 2. Employees earning service credit under the VRS Hybrid Pension Plan will be limited to accumulate a maximum of 90 sick days and will not be eligible to participate in Tazewell County Public Schools Sick Bank Program. Such leave shall be allowed for personal illness, including quarantine, or illness or death in the immediate family. Three days may be used for sickness or death in the immediate family. The superintendent may extend this three-day period.
3. VRS Hybrid Employees
Employees who are working in positions which are eligible for Virginia Retirement System Benefits who were hired on or after January 1, 2014 and who do not qualify for the Virginia Retirement System (VRS) Pension Plan 1 or 2 benefits will earn pension service benefits under the VRS Hybrid Plan. Employees earning service credit under the Hybrid Pension Plan who have at least one year of service credit will be eligible to apply for short-term disability (STD) benefits, after waiting seven (7) consecutive calendar days of absence from work. The employees earning service credit under the VRS Hybrid Pension Plan who are away from work for more than seven (7) consecutive workdays on an approved workers compensation claim are not required to have one year of service credit before STD benefits are eligible to begin.

After an employee who is earning pension service credit under the Hybrid Pension Plan has been away from work, for either an approved sick or workers compensation leave, 125 consecutive workdays they can apply for the long-term (LTD) disability benefits.

The monthly enrollment fee for the STD and LTD program is to be paid by Tazewell County Public Schools.

- Earned available sick leave will be used during the working day period prior to the start of short term disability benefits.
4. A teacher cannot claim any portion of earned sick leave unless he or she has actually reported

for duty for the regular school term in accordance with the terms of the teacher's contract. However, if a teacher is unable, because of illness, to begin teaching when school opens in the fall, such teacher may be allowed to use accumulated leave to his/her credit as of June 30 of the immediate preceding school year.

5. Employees may accrue sick leave at the rate of one day per month of employment until the maximum number is secured.
6. All accumulated sick leave shall terminate, except as defined below, upon the expiration of employment as a teacher.

A teacher will be presumed to have left the teaching profession if he or she accepts employment other than in the public school system of Virginia, or is unable to teach in the public schools of Virginia for a period of three consecutive years because of illness or physical disability or family responsibility. Teachers who leave the teaching profession to enter the armed services do not forfeit accumulated earnings unless they fail to return to the teaching profession immediately upon discharge from an original tour of duty in the armed services. However, current earnings cannot be allowed for the period while in service.

7. A teacher coming to Tazewell County may transfer sick days accumulated while working in another school division in the State of Virginia. (maximum 90 days).
8. Any employee who misses or requests five (5) or more consecutive sick days must provide medical documentation describing the reason for sick leave and the anticipated duration of sick leave needed. The employee will be provided a copy of their current job description listing the essential functions and skills of their job to take to their medical provider to verify what limitations their condition will impose and how long such limitations will likely last. The employee must provide medical documentation every 30 days.

Regulatory Authority: (1980)

Va. State Board of Education, Regulation, "State Sick Leave Plan for Teachers."
(October 24, 1980)

- I. Allowances.
- II. Accumulating sick leave
- III. When substitute employed
- IV. "Immediate family" defined
- V. Termination of accumulated sick leave; transfer of sick leave when teacher presumed to have left teaching profession
- VI. Local supplementary regulations

I. Allowances

- a. Each full-time teacher in the public free schools shall earn a minimum of ten days each year.

- b. Earnings for less than a full year of full-time employment shall be at the rate of one day per month or major fraction thereof. This provision applies to those teachers who do not begin teaching at the start of the school term and to those who do not complete the full year.
- c. A teacher cannot claim any portion of earned leave unless he or she has actually reported for duty for the regular school term in accordance with the terms of the teacher's contract; except that, if a teacher is unable, because of illness, to begin teaching when school opens in the fall, such teacher may be allowed to use accumulated leave to his/her credit not to exceed such balances to his/her credit as of June 30 of the immediate preceding school year.
- d. School boards may, by resolution, permit teachers to anticipate sick leave earnings for the current school year provided adequate provision is made for a refund in the event the teacher terminates employment before such credits are earned.

II. Accumulating sick leave

Sick leave, if not used, may accumulate to an unlimited number of days.

III. When substitute employed

When a substitute has to be employed, such leave shall be allowed for personal illness, including quarantine, or illness or death in the immediate family requiring the attendance of the employee for not more than three days in any one case unless the local school board by resolution wishes to allow an extension.

IV. "Immediate family" defined

The "immediate family" of an employee shall be regarded to include natural parents, grandparents, adoptive parents, foster parents, stepmother, stepfather, wife, husband, children, brother and 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 teacher ("any other relative living in a household of a teacher" is limited only in that the relative, however distant, must live in the household of a teacher).

V. Termination of accumulative sick leave; transfer of sick leave; when teacher presumed to have left teaching profession.

All accumulated sick leave shall terminate, except as defined below, upon the expiration of employment as a teacher. A teacher may transfer from one school system to another in Virginia and likewise transfer any such accumulated leave if the school board of the system to which the transfer is being made signifies its willingness to accept such transfer.

A teacher will be presumed to have left the teaching profession if he or she accepts employment other than in the public school system of Virginia, or is unable to teach in the public schools of Virginia for a period of three consecutive years because of illness or physical disability or family responsibility. Teachers who leave the teaching profession to enter the armed services do not forfeit accumulated earnings unless they fail to return to the teaching profession immediately

upon discharge from an original tour of duty in the armed services.

VI. Local supplementary regulations

Local school boards may adopt supplementary rules and regulations, not in conflict with these regulations, and, in the discretion of the local board, such local regulations may provide for the submission of a doctor's certificate in case of absence due to illness.

Approved by School Board: June 9, 1986
Amended by School Board: April 5, 1993
Amended by School Board: February 9, 1998
Amended by School Board: March 14, 2016
Amended by School Board: March 11, 2019

PERSONNEL

Sick Leave BankA. Generally

The Tazewell County School Board shall maintain a voluntary Sick Leave Bank for full time employees who were hired prior to January 1, 2014 and are not provided pension service credit through the Virginia Retirement System's Hybrid Pension Plan. Full time employees who were hired on or after January 1, 2014 or those accruing pension service credit under the VRS Hybrid Pension Plan shall be ineligible for participation in the Sick Leave Bank.

The purpose of the Sick Leave Bank is to provide additional sick leave for those eligible members who have prolonged, catastrophic, or long-term illness or injury and who have exhausted their sick leave. The bank will be established as long as one-third of all personnel participate in the Sick Leave Bank. The Sick Leave Bank will be administered by the Tazewell County School Board. Requests for days from the Bank will be submitted to the Supervisor of Human Resources and presented to the School Board for approval.

B. Membership Requirements

1. Full time employees of the Tazewell County Public School Division who were hired on or after January 1, 2014 or those who are accruing service credit under the VRS Hybrid Pension Plan shall be ineligible for participation in the Sick Leave Bank. All other fulltime employees of Tazewell County Public Schools are eligible for membership in the Sick Leave Bank.
2. Membership is voluntary on the part of eligible employees.

C. Enrollment

1. An eligible employee must enroll within the first thirty (30) days of employment. An employee who does not enroll when first eligible may only do so between any subsequent September 1 to October 15 by making application and providing satisfactory evidence of good health to the Board.
2. An employee is eligible to participate in this program by donating one (1) day of sick leave upon joining and one (1) day thereafter whenever an assessment is required during the school year and must be a member thirty (30) days prior to application for benefits.

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Sick Leave Bank (continued)D. Rules For Use

1. A member must make application for use of the Sick Leave Bank benefit.
2. The first twenty-five (25) consecutive contract days of illness or disability will not be covered by the Bank but must be covered by the employee's own accumulated sick leave days.
3. A member of the Bank will not be able to utilize the Sick Leave Bank benefits until his or her sick leave days, personal days, and vacation days have been exhausted.
4. For a participating member to be eligible to receive Sick Leave Bank benefits, a physician's certificate is required.
 - a. Certification must include the date the health condition began, the probable duration of the condition, and other appropriate medical facts.
 - b. For family care, the certification must state that the employee is needed to care for the family member, and must also provide an estimated amount of time that he/she is needed.
 - c. The health care provider must certify, based on the employee's statement of care he/she will provide a family member, that the employee's presence is required or would be beneficial.
 - d. Where the leave is for the employee's own serious health condition, the certification must state the employee is unable to perform the essential elements of his/her job.

Also, members receiving Sick Leave Bank benefits must provide a progress assessment from his/her physician at the end of thirty (30) days in order to be eligible for the additional fifteen (15) days.

5. Days drawn from the Bank for any one period or disability must be consecutive. If the member suffers a recurrence or relapse within twenty-five (25) days due to the original illness or

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Sick Leave Bank (continued)D. Rules for Use (continued)

injury, the member is not required to meet another thirty (30) contract day elimination period. Otherwise, members must return to work and must meet the twenty-five (25) day elimination requirement before becoming eligible to request additional sick leave benefits.

6. A maximum of forty-five (45) working days each school year can be drawn by any member of the Sick Leave Bank.
7. The Sick Leave Bank may be used for the applicant's own personal illness or the illness of an immediate family member. Such leave may be granted for the following reasons:
 - a. to care for a spouse, child, or parent with a serious health condition; or
 - b. when a serious health condition (physical or psychological) makes the employee unable to perform essential job functions.

A serious health condition means:

- a. any period involving overnight inpatient care at a health care facility;
- b. any incapacity requiring an absence of more than three (3) days involving two (2) or more visits to a health care provider;
- c. supervision by health care provider (without visits) for a chronic or long term health condition or prenatal care;
- d. treatment for a serious chronic health condition which, if left untreated, would likely result in three (3) or more days of absence from work; or
- e. inpatient treatment for substance abuse under guidelines similar to the ADA.

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Sick Leave Bank (continued)D. Rules for Use (continued)

8. A member not having a sick leave day to contribute at the time of an assessment shall automatically be assessed the first sick leave day subsequently earned.
9. Leave from the Bank may not be used for disabilities, which qualify the member for Worker's Compensation leave and/or insurance benefits. (Cases pending will not be paid until resolution of such cases).
10. The Bank will carry over its total days from one school term to the next.
11. A member may withdraw from the Bank, but days previously contributed will remain intact.
12. Participating members who have made application for Sick Leave Bank benefits and whose request was not approved may appeal the request to an Appeal Board comprised of the Division Superintendent or his designee and Tazewell County School Board members.
13. Upon termination of employment or withdrawal of membership, a participant will not be permitted to withdraw his/her contributed day(s).
14. The Tazewell County School Board reserves the right to abolish the sick leave bank at any time it considers the Sick Leave Bank inappropriate. The School Board does not assume responsibility for claims by any employee against the Sick Leave Bank from its inception or at any time in the future.
15. If the Sick Leave Bank becomes inoperative for any reason, the sick leave days remaining in the bank at that time will be distributed first to those members receiving benefits. From the remaining bank balance, sick leave will be credited to the nearest one-half (1/2) day to each participating member, if a sufficient

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PERSONNEL

Sick Leave Bank (continued)D. Rules for Use (continued)15. (continued)

number of days exist. If the Bank has an insufficient balance to award one-half (1/2) day to each participating member, the Bank shall terminate and no further distribution will be made.

Pregnancy

16. Routine pregnancy shall not be covered. Any complications, as documented by a physician, will be considered by the Board.

Transfer of Sick Leave Days

17. Effective January 1, 2015, transfer or donation of sick days from one employee to another employee will no longer be allowed, or will requests for additional sick leave days from the Sick Leave Bank be granted beyond the maximum 45 days allowed in any school calendar year for eligible employees.

Adopted by School Board: March 12, 2001
Amended by School Board: July 14, 2003
Amended by School Board: August 9, 2004
Amended by School Board: November 8, 2004
Amended by School Board: September 12, 2005
Amended by School Board: October 13, 2014

PERSONNEL

Personal Leave

Each full-time employee is entitled to three (3) days of personal leave each year in addition to sick leave for which no documentation is required. Unused personal leave can be accumulated to a maximum of five (5) days. Any personal leave days over five (5), will convert to sick leave at the beginning of each new school year.

An employee planning to take personal leave shall notify the principal of the school in writing as far in advance as possible. Each notice shall not be less than one day prior to taking personal leave except in an emergency situation.

A. Limitations

1. Personal Leave for the contract year is credited at the beginning of each contract year.
2. A Personal Leave Request will not be granted during the following periods or circumstances:
 - a. The first five (5) instructional days and the last five (5) instructional days of the school year.
 - b. On any teacher staff development or orientation work day that involves the employee:
 - (1) In a central office sponsored in-service or
 - (2) On a day that the employee is schedule to hold parent conferences.
 - c. State/Local assessment or examination period.
 - d. When in the judgment of the immediate supervisor a qualified substitute cannot be secured.

Exceptions to these limitations must be submitted in writing by the employee to the principal/immediate supervisor. If the principal/immediate supervisor agrees to the exception, the request will be forwarded to the Payroll Department with the absentee.

B. Transfer of Personal Leave

Personal Leave not used during a school year in excess of five (5) days will be automatically transferred to the eligible employee's accumulated sick leave.

Approved by School Board: June 9, 1986
Amended by School Board: March 18, 1990
Amended by School Board: December 11, 1995
Amended by School Board: July 11, 2006
Amended by School Board: May 11, 2015

PERSONNEL

Terminal Pay for Unused Sick LeaveA. Generally

The following policy concerning terminal pay for unused sick leave applies to all employees.

B. Eligibility

1. Upon retirement or the untimely death in service of an employee, terminal pay may be awarded.
2. The employee may retire at any age consistent with the provisions of the Virginia Supplemental Retirement System and be eligible for this payment.
3. The employee shall have served at least five (5) years in the school division immediately prior to his/her retirement.

C. Rate of Payment

The rate of payment for unused sick leave shall be \$50.00 per day.

Terminal Pay for Unused Accumulated Vacation DaysA. Generally

The following policy relative to unused accumulated vacation leave applies to all twelve month employees.

B. Eligibility

1. Terminal pay will be paid only to those employees who are retiring or, in the event of the untimely death in service of an employee, to the estate of the deceased.
2. The employee may retire at any age consistent with the provisions of the Virginia Supplemental Retirement System and be eligible for this payment.
3. The employee shall have served at least (5) years in the Tazewell County Public School System immediately prior to retirement.

C. Rate of Payment

The rate of payment for unused accumulated vacation leave shall be limited to thirty (30) days and is determined by the employee's contracted rate per day.

Approved by School Board: January 14, 1991

Amended by School Board: September 13, 1999

Amended by School Board: May 19, 2003

Amended by School Board: March 8, 2004

Amended by School Board: January 14, 2008 - effective beginning July 1, 2007

PERSONNEL

VacationsA. Generally

Paid holidays for teachers and other personnel are established in the school calendar, which is issued at the beginning of each school year. The school year consists of one hundred eighty instructional days plus twenty additional days which include paid holidays, work days, professional days, conference days, flex days, and staff development days.

B. Twelve Month Employees

All twelve month licensed and administrative personnel are entitled to fifteen (15) days vacation. Vacation days must be approved by the superintendent/designee and may accumulate to a total of forty-five days.

Twelve month classified employees are entitled to two (2) weeks vacation during the first five years of employment. After five (5) years of service, employees are entitled to three (3) weeks vacation. Arrangements must be made with the employee's immediate supervisor for the scheduling of vacation time. Final approval for all vacation requests must be secured from the division superintendent.

Approved by School Board: June 9, 1986
Revised by School Board: July 13, 1987
Amended by School Board: October 10, 2011

PERSONNEL

Jury Duty and Subpoenaed WitnessesA. Jury Duty

Employees who are called for jury duty will be granted special leave with pay.

B. Subpoenaed Witnesses

Employees who have been subpoenaed as witnesses may be granted special leave with pay based upon individual extenuating circumstances as determined by the superintendent.

Regulatory Authority: (1985) *1985 amendments are shown in italics.*

Code of Va., § 18.2-465.1. Penalizing employees for service on jury panel.--"Any person who is summoned to serve on jury duty shall *neither* be discharged from employment, *nor have any adverse personnel action taken against him*, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to such jury duty, upon giving reasonable notice to his employer of such summons. Any employer violating the provisions of this section shall be guilty of a Class 4 misdemeanor." (1985)

Approved by Superintendent: June 9, 1986
Amended by School Board: May 14, 2001

PERSONNEL

Licensed Personnel: Meetings/Conferences/Conventions

The assistant superintendent for special services is charged with the responsibility of approving licensed personnel attendance at meetings, conferences and conventions.

Approved by Superintendent: June 9, 1986

Classified Personnel: Leave of Absence

Upon written request, the board of education may grant leave of absence without pay for a prolonged illness, provided the employee presents a written statement from a physician that continued work will be detrimental to his/ her health.

A classified employee who obtains a leave of absence on the basis of a physician's recommendation, before being recommended to the board to return to his or her duties, shall present a recommendation signed by a physician stating that he or she is physically and otherwise capable of resuming duties.

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Tazewell County Public Schools
506 Jeffersonville Street
Tazewell, Virginia 24651-0927

SICK LEAVE BANK APPLICATION

NAME OF EMPLOYEE: _____

ASSIGNMENT: _____ POSITION: _____

NUMBER OF YEARS EMPLOYED WITH TAZEWEILL COUNTY PUBLIC
SCHOOLS: _____

ARE YOU A MEMBER OF THE SICK LEAVE BANK? _____ YES _____ NO

HAVE YOU PREVIOUSLY BEEN APPROVED FOR DAYS FROM THE SICK
LEAVE BANK?

_____ YES _____ NO

IF SO, HOW MANY? _____

HEALTH CONDITION (PERSONAL/FAMILY) THAT INHIBITS YOU FROM
PERFORMING YOUR JOB. *(INCLUDE PHYSICIAN'S CERTIFICATE OR OTHER
MEDICAL DOCUMENTATION RELEVANT TO THIS REQUEST.)*

NUMBER OF DAYS CURRENTLY BEING REQUESTED FROM THE SICK LEAVE
BANK: _____

SIGNATURE: _____ DATE: _____