



Book	Policy Manual
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### **Section 3**

#### **Human Resources**

The purpose of this section is to record the various personnel rules, regulations, policies, and procedures of the Federal and State governments, the State Board, and the System Office. Special attention is given to the difference in provisions for faculty and classified employees.

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### **3.9 Faculty Leave**

#### 3.9.0 Sick Leave (SB)

Faculty electing the Virginia Sickness and Disability Program (VSDP) shall have sick leave as specified in the VSDP policy. For faculty not eligible for, or not electing VSDP, the VCCS sick leave policies for 12-month and 9-month faculty and presidents discussed in this section shall apply. In all cases, for 9-month faculty, the smallest unit of leave charged shall be a half day.

(12-month administrative, professional, and teaching faculty, 9-month administrative faculty, and presidents)

##### 3.9.0.0 Accrual and Use of Sick Leave

Sick leave credits shall be accrued and used in accordance with Department of Human Resource Management policies and procedures. Sick leave credits may transfer from another state agency or state institution of higher education if the accrual rate is the same as that provided for in this section.

##### 3.9.0.1 Nine-Month Teaching Faculty

a. Accrual

Sick leave for full-time 9-month teaching faculty members shall accrue at the rate of four and one-half (4 1/2) days per academic semester, awarded on the first day of each semester. There shall be no limit on the amount of sick leave that can be accrued.

b. Use

The absence of faculty members for the reasons stated below shall be a charge against earned sick leave credits:

- (1) Illnesses or injuries incapacitating the member to perform his duties;
- (2) Exposure to contagious disease such that presence on duty would jeopardize the health of fellow employees or the public;
- (3) Appointment for examination and treatment related to health when such appointment cannot reasonably be scheduled during non-work hours; and
- (4) Illness or death in the immediate family. The immediate family includes parents, including step-parents; spouse; children including step-children and foster children; siblings including step-siblings; any relative either by blood or marriage, living in the employee's household. The period of absence which may be charged against earned sick leave in this application may not exceed a total of ten (10) work days in a calendar year because of an illness, injuries, or deaths in the immediate family.
- (5) The smallest unit of leave shall be a half-day. For example, an absence of two hours will be charged as 4 hours of sick leave. Absences of more than one-half day shall be charged on a day-for-day basis (5 days, 40 hours per week) regardless of the faculty member's schedule. Faculty members on approved Family and Medical Leave will have the first eight hours of leave charged on an hour-for-hour basis. Longer absences will be charged on a day-for-day basis (5 days, 40 hours, per week) regardless of the faculty member's schedule. Those on Family and Medical Leave with approved intermittent leave or a reduced schedule will have all absences charged on an hour-by-hour basis counting class hours and designated office hours, etc.
- (6) Absences may be charged against earned sick leave credit during the summer employment in direct relation to the percentage of weekly workload. However, sick leave shall not accrue during summer employment.

### 3.9.1 Disposition of Sick Leave Balance (SB)

#### 3.9.1.0 Coverage and Eligibility

Upon separation from state service, faculty and presidents shall be eligible for a single sum payment of sick leave balances in accordance with the following provisions.

- a. Separation from state service is defined as resignation, non-reappointment, retirement, death, dismissal, or layoff.
- b. Sick leave balances for faculty with less than five years of continuous service with the Virginia Community College System, shall lapse upon separation and are not eligible for payment. Continuous service is defined as salaried state service computed from the last employment or re-employment date, including approved leaves without pay.
- c. Sick leave balances for faculty with five years or more of continuous service with the Virginia Community College System shall be paid in one sum for twenty-five percent of their sick leave balances, provided that the total amount paid for sick leave shall not exceed \$5,000. The remaining balances shall lapse. The hourly rate is determined based on 2,080 hours for twelve-month employees and 1,560 hours for nine-month faculty.

#### 3.9.1.1 Exceptions:

- a. Faculty shall have their sick leave balances transferred when they transfer, without a break in service, to other faculty positions within the Virginia Community College System.

However, faculty who separate from the VCCS and are reemployed with another state agency may have their sick leave balances transferred, in lieu of payment, if the receiving agency agrees to accept the balance. Nine-month teaching faculty who separate and accept a classified position shall be authorized payment for sick leave if they meet the eligibility criteria.

- b. Faculty who are reinstated within 12 calendar months following layoff may be credited with the sick leave balances held when placed on layoff, provided that payments for sick leave balances were not made upon layoff.
- c. Faculty who are reemployed no later than 180 days after the date of separation from service may be credited with sick leave balances held upon separation provided that payments for sick leave balances were not made upon separation from service.
- d. Faculty who are granted educational leave with or without pay are not eligible for sick leave balance payments during the educational leave period.
- e. Faculty, with five or more years of continuous service, who are on leave-without-pay for more than three calendar months during the terms of their academic year contracts, are eligible for payment of 25 percent of accrued sick leave not to exceed \$5,000. (For continuing 9-month faculty, the period between the conclusion of the spring semester and the commencement of the fall semester is continuous employment and not defined as leave or separation.)

### 3.9.2 Personal Leave

Faculty electing the Virginia Sickness and Disability Program (VSDP) shall have personal leave as specified in VSDP policy. For faculty not eligible for, or not electing VSDP, personal leave of three (3) days shall be granted at the beginning of the academic year to all full-time 9-month teaching faculty members. In all cases, the smallest unit of leave shall be a half-day. For example, an absence of two hours will be charged as 4 hours of leave. Absences of more than one-half day shall be charged on a day-for-day basis (5 days, 40 hours, per week) regardless of the faculty member's schedule (See sick leave for exception for faculty on Family Medical leave). This leave may be taken by faculty members at their discretion, provided satisfactory prior arrangements have been made with the faculty members' supervisors. Personal leave is not intended for recreational purposes. Unused personal leave shall be converted to sick leave accrual at the end of the summer term following the academic year for which it was granted. The personal leave policy shall not apply to participants in the Virginia Sickness and Disability Program (VSDP) with the following exception: the smallest unit of leave charged shall be a half day.

### 3.9.3 Annual Leave (SB)

#### 3.9.3.1 Twelve-month faculty who are employed in the VCCS prior to January 1, 2007.

- a. Twelve-month faculty who are employed in the VCCS prior to January 1, 2007 shall accrue annual leave at the following rate based on years of service:

<b>Years of Service</b>	<b>Semi-Monthly Accrual Rate</b>	<b>Maximum Carryover Limits</b>	<b>Maximum Payment Limits</b>
<b>Up to 5 years</b>	4 hours	192 hours (24 days)	192 hours (24 days)
<b>5 years</b>	5 hours	240 hours (30 days)	240 hours (30 days)
<b>10 years</b>	6 hours	288 hours (36 days)	288 hours (36 days)

<b>15 years</b>	7 hours	336 hours (42 days)	288 hours (36 days)
<b>20 years</b>	8 hours	384 hours (48 days)	336 hours (42 days)
<b>25 years</b>	9 hours	432 hours (54 days)	336 hours (42 days)

b. Presidents, Executive Vice Presidents, Vice Presidents, Provosts, and faculty- rank members of the Chancellor's Cabinet shall be given 160 hours (20 days) of annual leave on January 10. When they have 15 years of service, the amount of annual leave given will be as indicated in a. above. For executive-level employees who start employment any time other than January, the amount of annual leave given will be prorated on a per pay-period basis. Termination dates before December will result in a proration of leave eligible for payment. The maximum carryover amounts and the maximum payment limits in a. shall apply.

c. All annual leave in excess of the maximum allowed shall be carried over beyond January 1 of each year. However, the excess leave must be used by July 9th of the same calendar year. The remaining excess hours will be converted to sick leave on an hour-for-hour basis as of July 10, except for participants in the Virginia Sickness and Disability Program (VSDP).

As annual leave is used during the first six months of the calendar year, the hours used shall be deducted from the excess hours balance. When all excess hours have been used, annual leave taken shall be deducted from the current calendar year balance.

3.9.3.2 Presidents, administrative/professional faculty, and twelve-month teaching faculty hired after January 1, 2007 will receive leave in accordance with the following chart:

	<b>Up Front, Upon Hire</b>	<b>Accrual Per Pay Period Worked</b>	<b>Maximum Accrual Per Year</b>	<b>Maximum Carry Forward Limit</b>	<b>Maximum Payment Limit</b>
<b>Presidents</b>	120 Hours (15 days)	10 hours	240 hours (30 days)	240 hours (30 days)	240 hours (30 days)
<b>Executives, Senior Administrators</b>	96 hours (12 days)	8 hours	192 hours (24 days)	192 hours (24 days)	192 hours (24 days)
<b>Administrators, 12-month teaching faculty</b>	84 hours (10.5 days)	7 hours	168 hours (21 days)	168 hours (21 days)	168 hours (21 days)

a. For this policy, Administrative/professional faculty positions are categorized as follows:

- i. Executives: Executive Vice President, Vice President, Provost, Executive Vice Chancellor, Vice Chancellor, faculty rank members of the Chancellor's Cabinet, and Associate Vice Chancellors with State Board Responsibility.
- ii. Senior Administrators: Assistant Vice President, Associate Vice President, Assistant Vice Chancellor, Dean, Campus Dean, Director.

iii. Administrators: Assistant Director, Associate Director, Coordinator, Assistant Coordinator, Administrative Officer, Counselor, Librarian, twelve-month teaching faculty.

- b. "Up-front" leave will be granted on the effective date of employment.
- c. Leave accruals continue to increase per pay period, however, the total accrual is reduced to the maximum annual accrual each January 10th.
- d. Upon termination, the compensation of unused annual leave shall be the current annual leave balance which may not exceed the person's maximum payment limit. The payment rate will be calculated by converting the annual salary to an hourly rate. Grant funded positions will be compensated for unused annual leave only if grant funds are available for this purpose.
- e. Administrative/professional faculty hired before January 1, 2007 will have a one time option of electing to participate in the plan. The decision to enter the plan is final and may not be reversed. An administrative/professional faculty member hired before January 1, 2007 who accepts a higher level position in the System may retain the accrual and payout limits in 3.9.3.1.a. above or opt into the new system in 3.9.3.2 at the time of the promotion.

#### 3.9.3.3

- a. Annual leave shall not be provided to nine-month faculty.
- b. When terminating employment or when moving from an administrative or professional position to a 9-month teaching position, an employee shall be paid for only the maximum leave allowed by policy.
- c. Unless otherwise stated above, the accrual, use and transfer of annual leave credits shall be in accordance with policies and procedures of the Department of Human Resource Management.

#### 3.9.4 Leave Sharing (SB)

Leave sharing for teaching faculty and administrative/ professional faculty shall be in accordance with Department of Human Resource Management policies and procedures. Teaching faculty will be eligible to participate only as leave recipients since they do not earn annual leave. Each college shall develop a leave sharing procedure that includes the communication of requests to all potential donors.

**3.9.5 Family and Medical Leave:** Family Medical Leave provides eligible faculty with up to 12 weeks of unpaid family or medical leave in a calendar year because of the birth of a child or the placement of a child with the employee for adoption or foster care, because the faculty member is needed to care for a family member (child, spouse, or parent) with a serious health condition or because the faculty member's own serious health makes him or her unable to perform the responsibilities of his/her position. This policy shall be administered in accordance with Department of Human Resource Management policies and procedures, however the following shall apply.

- a. Intermittent Leave: Intermittent leave must be taken on an hour-for-hour basis or planned as part of a reduced work load. For a reduced work load, the difference between a full load and a reduced load would be charged to Family/Medical leave. The reduction cannot exceed 12 workweeks or 480 hours. A medical certification is required. The work schedule must be approved by the division chair or other designated person.
- b. A community college may designate the use of accrued leave for absences covered by this policy as Family/Medical leave. Other leave policies have not changed as a result of this policy.

#### 3.9.5.1 Parental Leave

The policy is designed to support new parents with adjusting to their new obligations while managing the operational impact of their absence from work for a limited period of time. All benefits-eligible full-time administrative, professional, and teaching faculty who have been employed for twelve (12) consecutive months shall be awarded 8 weeks/(320) hours of paid parental leave for childbirths or the adoption of children under the

age of 18, conditioned upon the provisions outlined in this policy. The leave shall be prorated for benefits-eligible, part-time 9-month teaching faculty or benefits-eligible, quasi-full-time administrative and professional faculty. This policy does not apply to classified staff.

Parental leave applies to childbirth, and the adoption or court-approved foster placement of a child younger than 18 years of age, and it must be taken and completed within six months following the birth, adoption, or placement. This leave is provided only once in a 12-month period and only once per child. If both parents are eligible for the leave, it may be taken concurrently, consecutively, or at different times, subject to approval.

#### Teaching Faculty

Parental leave for teaching faculty may cover the summer term at the sole discretion of the College president; however, summer compensation shall be based upon historical staffing patterns and the college's summer pay rate, not to exceed the faculty member's normal base rate of pay. A prorated teaching/workload over a longer period of time can be negotiated when it is in the best interest of the college and instructional objectives/staffing needs. By exception, teaching faculty may be granted a period of up to 12 months from a birth, adoption, or placement to take parental leave. Teaching faculty, their dean or supervisor, and their Human Resource Department will work together to craft a staffing and leave agreement that minimizes the impact of parental leave on instruction and program requirements.

#### General Provisions

Parental leave shall run concurrently with leave provided under the Family and Medical Leave Act. Parental leave may run concurrently or sequentially with the Virginia Sick and Disability Program (VSDP), if the employee is eligible for VSDP. Holidays will not extend parental leave, however parental leave is not counted against a faculty member's sick or annual leave. Intermittent leave is normally allowed in week segments only, unless an exception is otherwise approved. Faculty members are required to repay the compensation received during parental leave if he or she does not return to work and remain employed with the college/system office for six months after the paid parental leave period ends.

When and how parental leave is taken is subject to approval by the appropriate vice president/provost. Approval recognizes the need to balance the support for the employee and their family with the need to deliver instruction and manage college operations. Faculty are required to notify their dean or supervisor at least 120 days in advance of their plan to take parental leave as to support the continuity of operations, staffing, or instructional delivery; exceptions are approved on a case-by-case basis. The determination and approval of the terms and conditions of parental leave made by the college president-for college employees-, or chancellor-for System Office employees-is not appealable, nor subject to the grievance procedure.

#### 3.9.6 Workers' Compensation Leave (SB)

Workers' Compensation is the benefit provided to employees by the Virginia Workers' Compensation Act if they suffer work-related injury or disease. Claims and decisions will be made in accordance with the policies and procedures of the Department of Human Resource Management and the Division of Risk Management.

#### 3.9.7 Civil and Work-Related Leave (SB)

Civil and Work-Related Leave is provided with or without pay to employees who are performing certain civic duties, participating in the formal resolution of workplace conflicts and certain other work-related activities. Examples of civic related reasons include a summons to jury duty, subpoenas or summons requiring a court appearance, for an employee to accompany his/her minor child when the child is legally required to appear in court or for an employee who is a victim of a crime to be present at all criminal proceedings relating to a crime against that employee. Examples of work-related activities include interviewing for another state position, participating in the resolution of work related conflicts and to attend one session with the Employee Assistance Program per qualifying event. This policy may not be used for employees who have been placed on suspension pending the outcome of an investigation. Requests and approvals will be made in accordance with Department of Human Resource Management Policy 4.05.

#### 3.9.8 Leave Without Pay (SB)

Leave without pay may be granted at the discretion of the president for reasons such as but not limited to the following:

- a. Professional development related to one's discipline or occupational field;
- b. Educational leave in excess of such leave allowable with pay (not to exceed two years when combined with educational leave without pay);
- c. Full-time study;
- d. Foreign teaching assignments or exchange teaching;
- e. Serious health condition;
- f. Family or personal purposes;
- g. Military leave in excess of such leave allowable with pay.

Since granted leave involves reemployment, leave is not automatically given to any person who requests it. A leave of absence without pay shall not be granted for more than 12 calendar months.

#### 3.9.9 Community Service Leave (SB)

Eligible faculty may receive sixteen (16) hours of paid leave per calendar year to participate in school activities or serve as a volunteer member of a community service organization.

- a. Eligibility: Full-time instructional and administrative faculty are covered by the provisions of this policy.
- b. Limitations: Leave may be used only with the prior approval of the faculty member's supervisor.
- c. Administration: This policy shall be administered in accordance with the Department of Human Resource Management policies and procedures.

#### 3.9.10 Military Leave (SB)

Military leave is granted with or without pay to faculty and classified employees for active duty in the armed services of the United States or for employees who are former members of the armed services, or current members of the U.S. reserve forces or the Commonwealth militia, or the National Defense Executive Reserve. Requests and approvals will be made in accordance with the policies and procedures of the Department of Human Resource Management.

#### 3.9.11 Compensatory Leave

Administrative, professional, and teaching faculty are not eligible for compensatory leave.

#### 3.9.12 Leave to Donate Bone Marrow or Organs

Eligible faculty may be provided paid leave for the period that is medically necessary for the donation of bone marrow or organ and recuperation for up to 30 days in any calendar year.

- a. Eligibility: The provisions of this policy apply to full-time administrative and instructional faculty. Nine-month instructional faculty are eligible for the paid leave if the absence occurs during the August 16-May 15 contract period. Full time restricted employees are covered only to the extent that the funding source for their position has agreed in writing to assume all financial responsibility for this benefit

b. Administration: This policy shall be administered in accordance with the Department of Human Resource Management Policy 4.37.

### 3.9.13 Public Health Emergency Leave (SB)

The purpose of this policy is to protect the health of state employees and the public and to provide continuity of services to the citizens of the Commonwealth during times of pandemic illness. When a Communicable Disease Public Health condition has been declared by the State Health Commissioner and the Governor, full-time teaching and administrative faculty may be eligible for up to 80 hours of paid leave per year to attend to their medical needs or those of their immediate family members. Nine-month instructional faculty are eligible for this leave only during the August 16th-May 15th contract period. This policy will be administered in accordance with Department of Human Resource Management Policy 4.52.

### 3.9.14 Holidays (SB)

- a. Holidays for twelve-month faculty and presidents shall be authorized in accordance with Department of Human Resource Management policies and procedures. Holidays shall be observed in accordance with the annual college calendar published by the college for the calendar year. Accordingly, colleges and the System Office may schedule the observance of a holiday on a day other than that which is prescribed by State policy.
- b. Nine-month administrative faculty shall be authorized only those holidays which fall within the nine-month appointment period as prescribed by State policy and observed in accordance with the annual college calendar.

### 3.9.15 Effect of Leave With and Without Pay for Periods Exceeding 14 Calendar Days

Periods of leave with or without pay (except for the use of earned annual or sick leave, educational leave, sabbaticals, or military leave) of over 14 calendar days cause a discontinuity for a semester, disqualifying it from counting towards a full year of employment. A discontinuity is not a break in service. Since granted leave involves reemployment, leave is not automatically given to any person who requests it. A leave of absence with or without pay shall not be granted for more than 12 calendar months.

a. Leave agreements: Leave agreements shall be developed and signed by both the college president and the faculty member. Agreements shall state the right and condition of reinstatement and must include an explanation of personnel policies that affect changes in salary, benefits, retirement and seniority. Faculty members may be allowed to retain any applicable leave balance to their credit as part of the leave agreement. No leave without pay agreement shall exceed one fiscal year in length. Prior to signing, the faculty member shall be informed of the contents of the agreement. A copy of the agreement shall be placed in the faculty member's personnel file prior to the beginning of the leave. While leaves with and without pay are considered on an individual basis, the following will apply:

(1) Merit Salary Award: Faculty returning from a leave that has prevented them from receiving an evaluation shall be awarded increases in accordance with guidelines developed by the college. These guidelines will be in writing. The merit salary award shall be applied to the salary in effect on the last contractual work date prior to the effective date of the leave.

(2) Leave Accrual: For twelve-month faculty the leave accrual anniversary date for annual leave will be advanced according to the time the faculty member is on leave. During the time of the leave period, no leave will be earned. It will also not accrue after 60 consecutive workdays of leave with pay regardless of the type of leave to which the absence is charged.

(3) Service Credit Toward Sick Leave Payout: Leave time is not credited as service toward the five years of continuous VCCS service which is required to receive a payment for sick leave balances upon separating from state service.

(4) Retirement: Service credit is granted for any pay period in which qualifying compensation has been received by the faculty member. If a faculty member is on leave without pay for an entire pay period, no contributions will be made.

(5) Benefits: For faculty on leave with pay or with partial pay, deductions for health insurance continue. For leave without pay, health insurance payments for the state portion must be paid by the first day of each month of coverage.



(6) Multi-Year Appointments and Promotions: A year of full-time employment is comprised of two academic semesters (fall and spring), the salary for which is chargeable to a single fiscal year's budget. Leave resulting in employment less than this period shall not count toward the time eligibility period for a multi-year appointment or for promotion. Faculty holding three and five-year appointments who are granted educational leave of absence with partial pay and are not employed full-time during at least two academic semesters of the period August 16 - August 15 of the following year, shall have their current multi-year appointments extended for one year.

(7) Return From Leave: A faculty member returning from a leave of absence without pay during or at the end of the period for which the leave was granted shall be entitled to reinstatement under the conditions of the leave agreement. Faculty members returning from leave without pay shall normally be reinstated to their former positions unless they sign an agreement releasing the college from this commitment or unless college organizational changes require the reassignment of the faculty members.

(8) Required Notice to President: Faculty members who have not notified the president in writing by February 1 of their intent to return will automatically be separated as employees of the college. Any other date must be agreed to by the president and the faculty member and be included in the leave agreement.

b. Exceptions

(1) Educational Leave: For administrative and professional faculty on educational leave with half pay, the leave period will be counted as full-time employment when determining the rate of annual leave accrual rate. For all faculty, educational leave with or without pay shall not disqualify the leave period as counting towards a year of service for purposes of promotion or multi-year appointments. However, no more than two academic years may be exempted from the years of full-time service requirement because of educational leave.

(2) Sabbaticals: Faculty granted Sabbaticals will have the leave period regarded as a year of full-time employment, except that leave will not accrue. Upon returning from the sabbatical, a merit salary award shall be applied to the salary in effect on the last contractual workday prior to the effective date of the sabbatical. The faculty member shall be awarded increases in accordance with guidelines developed by the college. These guidelines will be in writing.

(3) Military Leave: A military leave of absence for a member of a reserve unit that is called to active duty, and who upon completion of his or her military obligation returns immediately to the college, shall have the active military duty period count towards a year of service for purposes of promotion or multi-year appointments. Leave will not accrue during the leave period.

(4) Family/Medical Leave: Designated and approved family/medical leave will be counted towards a year of service for purposes of promotion or multi-year appointments.