

FAUQUIER COUNTY PUBLIC SCHOOLS	Policy: 5-7.6
	Adopted: 03/12/12
	Revised: 06/23/14, 02/27/17
EMPLOYEE ABSENCES	

1. Generally

- 1.1. 11 or 12 months employees will submit work schedules to their supervisors in accordance with prescribed work standards issued annually by supervisors. The division superintendent or his/her designee will administer and interpret the provisions of the leave policy and may require the use of forms adopted for such purposes.
- 1.2. All leave is subject to approval by the division superintendent or his/her designee. Although approval may not always be obtainable in advance of the taking of the leave, the accounting for such leave shall be based upon approval. The employee must reasonably attempt to schedule leave so as not to disrupt the School Division operations.

2. Reporting Absences

- 2.1. The division superintendent or his designee shall issue regulations for the reporting of Fauquier County School Board employee absences. Unexcused absences may result in an employee’s dismissal.

3. Annual Leave - 12-Month Employees Only

- 3.1. Full-Time Classified Licensed and Non-Licensed Personnel - Twelve month classified licensed and non-licensed employees shall be granted vacation at the rate of one (1) day per month during the first five (5) years of employment; 1 1/4 days per month from the beginning of year six (6) through year ten (10); 1 1/2 days at the beginning of year eleven (11) through year fifteen (15); 1 3/4 days per month at the beginning of year sixteen (16) and through year twenty (20); and two (2) days per month from twenty-one (21) years on. Experience for annual leave shall be earned only from employment in the Fauquier County Public Schools and only for full twelve (12) months employment. Vacation time may be taken at any time during a contract year if workload permits, and with the authorization of the designated supervisor.
- 3.2. Part-Time Classified Licensed and Non-Licensed Personnel - Part-time permanent twelve month classified licensed and non-licensed employees shall be granted vacation at the rate of 1/2 day per month during the first five (5) years of employment; .625 days per month from the beginning of years six (6) through year ten (10); 3/4 day per month at the beginning of h\year eleven (11) through year fifteen (15); .875 days per month at the beginning of year sixteen (16) and through year twenty (20); and 1 day per month from twenty-one (21) years on.

4. Accumulated Annual Leave

- 4.1. Annual leave earned by an eligible employee may be accumulated to the following year if it is not used, but not to exceed thirty (30) days of total carry-over unless approved by the division superintendent. Effective July 1 of each year, any annual leave earned beyond the thirty (30) days shall be converted to sick leave prior to the awarding of the new year’s leave.
- 4.2. A permanent employee who resigns in good standing from one (1) system (County Government or School Division) and who, within one (1) year following the resignation date, becomes employed in either system will receive full credit for his/her prior accrued years of serve for the purpose of determining leave accruals. The employee will receive full credit for any accumulated leave for which payment was not made upon resignation. In addition, such employee will receive full seniority credit for his/her years of service in the prior employment. The seniority credit will not affect salary step placement.
- 4.3. Employees separating from service may be paid for thirty (30) days of accumulated leave at their regular rate of pay. Any annual leave in excess of thirty (30) days, with the exception of provision below, shall be converted to sick leave and paid out based upon the sliding sick leave payout scale.

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- 4.4. Employees separating from service prior to June 30 who have used more leave than would have accumulated per month, based upon the schedules above, shall be required to repay such leave.
- 4.5. Annual leave shall be debited in no less than one-half (.5) hour units.

5. Administrative Leave

- 5.1. Teachers and Other Professional Personnel - *“Professional Employee”* in this policy means teacher, supervisor, or administrator.
 - 5.1.1. Should a situation arise of such a nature that immediate action must be taken; the division superintendent shall have the right to place a professional employee of the School Division on administrative leave for a period of time as prescribed by state law until the School Board can meet and resolve the problem.
 - 5.1.2. The right to dismiss or discharge a professional employee is the prerogative of the School Board and not the division superintendent.
- 5.2. All Other Employees
 - 5.2.1. Should a situation arise of such a nature that immediate action must be taken; the division superintendent shall have the right to suspend or dismiss a non-professional employee.
 - 5.2.1.1. The School Board will be noticed of this action at the next Board meeting.
- 5.3. Due Process
 - 5.3.1. The employee’s rights of due process will be carefully adhered to in the administering of any suspension or dismissal.

6. Personal Leave

- 6.1. Personal Leave Allocation
 - 6.1.1. At the beginning of each school year, each full-time permanent employee of the Fauquier County School Division shall be credited with three (3) personal leave days. Full-time permanent employees beginning work in January of any calendar year shall be credited with one and one-half (1.5) days of personal leave for the remainder of the school year.
 - 6.1.2. At the beginning of each school year, each part-time permanent employee of the Fauquier County School Division shall be credited with one and one-half (1.5) personal leave days. Part-time permanent employees beginning work in January of any calendar year shall be credited with three-quarters (.75) of a day of personal leave for the remainder of the school year.
 - 6.1.3. At the beginning of each school year, all bus drivers and bus aides of the Fauquier County School Division shall be credited with three (3) personal leave days. Bus drivers and bus aides beginning work in January of any calendar year shall be credited with one and one-half (1.5) days of personal leave for the remainder of the school year.
 - 6.1.4. Upon obtaining fifteen (15) years or more of service with the Fauquier County School Division, full-time permanent employees shall receive one (1) additional day of personal leave at the beginning of the school year.

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- 6.1.5. Upon obtaining fifteen (15) years or more of service with the Fauquier County School Division, part-time permanent employees shall receive one-half (.5) of a day of personal leave at the beginning of the school year.

- 6.2. Use of Personal Leave
 - 6.2.1. Personal leave shall be used at the employee's discretion without a requirement to give explanation to his/her principal or supervisor.
 - 6.2.2. The employee should attempt to schedule personal leave so as not to disrupt School Division operations and notify his/her principal or supervisor in advance of his/her intention to take personal leave.
 - 6.2.3. For reasons that are foreseeable, at best, ten (10) working days advance notice of the need to take personal leave shall be given. Otherwise, as much advance notice as is practicable shall be given.
 - 6.2.3.1. Advance notice may be waived by the principal or supervisor in emergency or extenuating circumstances, so long as notice has been given as soon as practicable under the circumstances.
 - 6.2.4. Employees may not use personal leave time the day before or the day after an announced School Board holiday, holiday period or Opt-Out Day.
 - 6.2.4.1. Personal leave may be granted for a day before or a day after a holiday, holiday period, or Opt-Out when undue hardship circumstances prevail, and the employee's request is made to the division superintendent through his/her principal or supervisor. Undue hardship shall include:
 - 6.2.4.1.1. An immediate emergency; or
 - 6.2.4.1.2. Extenuating circumstances beyond the employee's control, which require the absence.

- 6.3. Using (Debiting) and Carry-over of Personal Leave
 - 6.3.1. Personal leave shall be debited in no less than one-half (.5) hour units.
 - 6.3.2. Each full-time permanent employee of the Fauquier County School Division shall be permitted to retain up to two (2) personal leave days, which can be carried over to the next school year. Upon obtaining fifteen (15) years or more of service with the Fauquier County School Division, full-time permanent employees shall be permitted retain a balance of one (1) personal leave day, which can be carried over to the next school year. Personal leave balances for any school year cannot exceed five (5) days.
 - 6.3.3. Each part-time permanent employee of the Fauquier County School Division shall be permitted to retain up to one (1) personal leave day, which can be carried over to the next school year. Upon obtaining fifteen (15) years or more of service with the Fauquier County School Division, part-time permanent employees shall be permitted to retain a half (.5) personal leave day, which can be carried over to the school year. Personal leave balances for any school year cannot exceed two and a half (2.5) days.
 - 6.3.4. Any personal leave days not used by an employee during the school year and in excess of the carryover limits described above, shall be transferred to the employee's sick leave balance.

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7. Sick Leave

7.1. The following provisions apply to all permanent full-time and permanent part-time employees.

7.1. Definitions

7.1.1. “*Sick Leave*” means an approved employee absence during regularly scheduled work hours for the following reasons:

7.1.1.1. An illness or a medical necessity, causing an employee’s temporary disability from performing his/her job duties, including disability relating to pregnancy or childbirth;

7.1.1.2. If an employee has, or has been exposed to, a contagious disease such that his/her presence on the job might jeopardize the health of others; and/or

7.1.1.3. If an employee’s medically related appointment(s) cannot be scheduled during non-work hours.

7.1.2. “*Family Sick Leave*” means an approved employee absence during regularly scheduled work hours due to the illness of an immediate family member. Immediate family members include:

7.1.2.1. Parents, including step-parents;

7.1.2.2. Spouse;

7.1.2.3. Children, including step-children and foster children;

7.1.2.4. Siblings, including step-siblings; and

7.1.2.5. Any relative either by blood or marriage, living in the employee’s household.

The use of family sick leave shall be debited against employee sick leave balances.

7.2. Procedures

7.2.1. Sick Leave Requests and Approval

7.2.1.1. Employees wishing to use sick leave must request approval from their supervisor, or supervisor’s designee.

7.2.1.2. Employees who have prior knowledge of an impending need to use sick leave (i.e. for operations; special medical, dental or optical treatments; etc.) shall make the request for sick leave as far in advance as possible.

7.2.1.3. Upon exhaustion of sick leave balances, employees may request approval to use accrued annual, personal or compensatory leave.

7.2.1.4. Employee absences without appropriate supervisory approval shall be considered unauthorized.

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7.2.1.5. Eligible employees may elect to enroll in and contribute to the Sick Leave Bank, from which eligible employees may withdraw sick days in accordance with established policy.

7.2.2. Verification of the Need for Sick Leave

7.2.2.1. Employees wishing to use sick leave must comply with management requests for verification of need.

7.2.2.2. Employees may be required to submit verification at any time.

7.2.2.3. Failure to comply with management requests for verification may result in disapproval of sick leave.

7.2.2.4. Forms of verification include, but are not limited to, the following:

7.2.2.4.1. Certification from the treating physician that the employee is temporarily disabled and is unable to work. The physician's certification should include the extent of the employee's disability and the estimated period of disability;

7.2.2.4.2. Certification from the treating physician that the employee's immediate family member is temporarily disabled. The physician's certification should include the extent of the immediate family member's disability and the estimated period of disability;

7.2.2.4.3. Certification from the treating physician that the employee currently has or has been exposed to a contagious disease such that his/her presence on the job might jeopardize the health of others; or

7.2.2.4.4. Evidence that the employee or employee's immediate family member has a medical appointment that could not have been scheduled during non-work hours.

7.2.2.5. Employees may be required to take a medical examination at the expense of the School Division in cases where use of leave is excessive or questionable.

7.2.2.6. Before returning to work from sick leave, employees may be required to submit a physician's certification indicating fitness to return.

7.2.3. Maternity Leave

7.2.3.1. Employees may utilize accrued sick leave to take leave after the birth of a child. Such leave shall run concurrently with Family/Medical leave (FMLA).

7.2.4. Bereavement Leave

7.2.4.1. Employees wishing to use bereavement leave must request approval from their supervisor, or supervisor's designee.

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7.2.4.2. For any one incident, bereavement leave shall be limited to four (4) consecutive days and shall be taken within reasonable time frame after the death of immediate family member. For the purposes of this policy, immediate family shall be defined as the employee's spouse, children, including step-children and foster children, parents, including step parents, parents-in-law, grandparents, grandparent-in-laws, son-in-laws, daughter-in-law, grandchildren, brothers, brother-in-laws; sisters, sisters-in-law or any relative, either by blood or marriage, living in the employee's household.

7.2.5. Sick Leave Advancement

7.2.5.1. At the beginning of each school year, each full-time permanent employee of the Fauquier County School Division shall be advanced sick leave based on the following schedule:

- 7.2.5.1.1. 10-month employees 10 days a year
- 7.2.5.1.2. 11-month employees 11 days a year
- 7.2.5.1.3. 12-month employees 12 days a year

7.2.5.2. At the beginning of each school year, each part-time permanent employee of the Fauquier County School Division shall be advanced sick leave based on the following schedule:

- 7.2.5.2.1. 10-month employees 5 days a year
- 7.2.5.2.2. 11-month employees 5.5 days a year
- 7.2.5.2.3. 12-month employees 6 days a year

7.2.5.3. At the beginning of each school year, all bus drivers/aides of the Fauquier County School Division shall be advanced sick leave at the rate of 5 days per year.

7.2.6. Using (Debiting) Sick Leave

7.2.6.1. Sick leave shall be debited in no less than one-half (.5) hour units.

7.2.6.2. Each school or department shall forward to the Payroll Office approved monthly sick leave records indicating credits, sick leave debits, and balances for employees. The records shall include approved sick leave request forms for all sick leave taken.

7.2.6.3. An employee cannot claim any portion of accumulated sick leave unless he/she has actually reported for duty for the regular school term in accordance with the terms of the employee's contract or unless he/she is in an approved family and medical leave status. However, if such an employee is unable, because of illness or injury, or because of a reason qualifying for family and medical leave, to commence assigned duties when school opens in the fall, such employee may be allowed to use accumulated leave to his/her credit as of June 30 of the immediate preceding school year.

7.2.6.4. When an employee is absent from work as a result of personal injury or assault arising out of, and in the course of his/her employment, no part of such absence will be charged to his/her sick, annual or personal leave. He/she will be paid full salary for the period of eligibility of payment under the Worker's Compensation Act up to twenty-six (26) weeks

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on condition that insurance benefit checks received from WCA insurance by the employee for the loss shall be submitted forthwith to the Finance Office.

7.2.7. Treatment of Sick Leave Upon Change in Status

7.2.7.1. For all certificated and administrative personnel, a maximum of ninety (90) days of accumulated sick leave shall be accepted from other Virginia School Divisions.

7.2.7.2. Upon lateral transfer, promotion or demotion from one (1) position or department to another, employees shall retain prior accrued sick leave balances.

7.2.7.3. Upon retirement, an employee with three (3) or more years of service:

7.2.7.3.1. May be paid a lump sum for accumulated sick leave balances up to a two hundred fifty (250) day maximum according to the following pro-rated schedule:

7.2.7.3.1.1. 1-50 days at \$20 per day

7.2.7.3.1.2. 51-100 days at \$30 per day

7.2.7.3.1.3. 101-150 days at \$40 per day

7.2.7.3.1.4. 151 days and above at \$50 per day

The maximum lump sum payment shall not exceed \$9,500. The lump sum payment shall not include sick leave accumulated and transferred to Fauquier County Public Schools from other School Divisions.

7.2.7.3.2. In lieu of a lump sum payment, the employee may apply (credit) accumulated sick leave balances to the payment of health insurance premiums associated with COBRA. Such sick leave credits shall be made according to the pro-rated schedule identified above, and shall be made on an after-tax (net pay) basis.

7.2.7.4. Employees separating from service prior to June 30 who have used more sick leave than would have accumulated per month, based upon the schedules in section 3.5, above, shall be required to repay such leave.

7.2.7.5. Employees hired prior to November 14, 2005, will be grandfathered and therefore will be subject to Policy GCBDJ (which follows this policy) adopted on February 8, 1993, and last revised November 14, 2005.

8. Sick-Leave Bank

8.1. The intent of the Sick Leave Bank is to provide some protection for permanent full-time and permanent part-time employees who are unable to work due to their own non-work related illness or injury.

8.2. "Non-work related illnesses or injuries" are defined as medical conditions which preclude an employee from performing his/her job duties, but did not arise out of or in the course of employment. This includes disability related to pregnancy or childbirth and/or employee exposure to a contagious disease such that his/her presence on the job might jeopardize the health of others. For purposes of interpretation, an

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employee's own non-work related illness or injury parallel's the serious medical condition definition as provided for under the Family and Medical Leave Act.

8.2.1. Membership

- 8.2.1.1. Membership shall be voluntary on the part of all certified and classified personnel who are eligible for sick leave in the division.
- 8.2.1.2. Members utilizing the Sick Leave Bank will not have to replace those days except as a regular contributing member of the Sick Leave Bank.
- 8.2.1.3. Membership shall be continuous unless withdrawn in writing prior to September 15 each year.
- 8.2.1.4. Effective July 1, 2014 all new hires who are eligible for the Virginia Retirement System's (VRS) Hybrid Retirement Program will not be eligible to become a member of the sick leave bank.
- 8.2.1.5. Upon termination of employment or retirement, members will not be allowed to withdraw their days previously contributed.

8.2.2. Enrollment

- 8.2.2.1. An eligible employee may enroll through the donation of one (1) day of sick leave. One (1) day of sick leave equates to 7.5 hours for 37.5 hour workweek employees and 8 hours for 40 hour workweek employees.
- 8.2.2.2. Part-time permanent employee sick leave donations will be made on a prorated basis.
- 8.2.2.3. New, non-VRS Hybrid Retirement Program employees will be enrolled in the Sick Leave Bank within one (1) month of employment.
- 8.2.2.4. New, non-VRS Hybrid Retirement Program employees who do not wish to enroll in the Sick Leave Bank must sign a Sick Leave Bank Opt-out Form within 30 days of employment.

8.2.3. Use of the Sick Leave Bank

- 8.2.3.1. The Sick Leave Bank will be governed under the same rules as sick leave.
- 8.2.3.2. To request use of the Sick Leave Bank, the employee must make application to the Director of Human Resources for the benefit. It is not automatic.
- 8.2.3.3. No member of the bank will be granted sick leave from the bank until his/her own annual, personal, and compensatory leave have been depleted. All but one week of sick leave shall be exhausted prior to use of the Sick Leave Bank. One (1) week of sick leave shall be calculated based upon the employee's normally scheduled workweek.
- 8.2.3.4. A participant becomes eligible to withdraw days from the bank when he has been out of work seven consecutive days due to a specific illness or injury. The first seven days must be covered by the employee's available leave or leave without pay.

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- 8.2.3.5. If an employee does not have an accumulated leave balance, he/she shall be placed on leave without pay status until the eighth (8th) calendar day of the illness or non-work related injury before entering the Sick Leave Bank.
- 8.2.3.6. Each member may withdraw a maximum of fifty-five (55) working days within a 12-month period, starting with the date of withdrawal from the Bank, taken in not less than one half-day increments. In no instance shall the Sick Leave Bank pay more than the fifty-five (55) day maximum within a 12-month period.
- 8.2.3.7. The Sick Leave Bank shall not pay Members of the bank shall be assessed one (1) day of sick leave if the bank falls below five hundred (500) hours, or at the discretion of the Human Resources Department. Members who have no leave to contribute will be assessed within sixty (60) calendar days of the announcement of assessment.
- 8.2.3.8. Days in the Sick Leave Bank not used will be carried over to the next year.
- 8.2.3.9. If the sick leave bank becomes inoperative for any reason, the sick-leave days remaining in the bank at that time will be distributed to those participants withdrawing from the bank.
- 8.2.3.10. If the sick leave bank is depleted or becomes inoperative, the Board will not be held responsible to anyone then currently withdrawing days from the bank or to anyone then eligible or who may thereafter become eligible to withdraw from the bank.
- 8.2.3.11. No benefits shall be paid from the Sick Leave Bank for a work-related illness or injury for which an employee is entitled to Worker's Compensation.
- 8.2.3.12. It is the employee's responsibility to submit verification of eligibility to use the Sick Leave Bank by submitting a doctor's statement. At the discretion of the Principal/Director/Supervisor, and with the concurrence of the Human Resources Director, an employee may be requested to submit to a physical examination which shall be conducted by a licensed physician under contract with the School Division.
- 8.2.3.13. An employee must notify the Human Resources Department in writing if they wish to cease participation in the Bank, and shall lose all previously contributed days.

8.2.4. Transfer of Sick Leave Days

- 8.2.4.1. On July 1 of each year, employees may donate any of their accrued annual leave that is in excess of the maximum yearly accumulation amount to the Bank.
- 8.2.4.2. Upon termination of employment employees may donate any portion of their accrued annual or sick leave to the Sick Leave Bank, or the sick leave of employees who do not qualify for a sick leave payout and have not elected to transfer their sick leave to another School Division shall be added to the Sick Leave Bank.

9. Leave Without Pay

9.1. Generally

- 9.1.1. Special leaves of absence without pay may be approved by the division superintendent or his/her designee. Requests must be submitted in writing to the building principal and forwarded to the Human Resources Department for consideration by the division superintendent or his/her designee. If approved, the following provisions will apply:

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- 9.1.1.1. An employee must exhaust all accumulated sick, personal, and annual leave credited to the employee before using extended leave. An employee shall have the option of reserving up to five (5) days of paid sick leave to be used after his/her return.
- 9.1.1.2. The employee will not be eligible for benefits or service time while on approved leave of absence. However, health insurance may be continued at employee's expense, in accordance with the law.
- 9.1.1.3. Annual and sick leave do not accrue during leave without pay status unless the employee is compensated for at least one-half (1/2) of the working days in the month that leave without pay is taken.
- 9.1.1.4. Leave without pay shall not constitute a break in service if an employee returns to work at the expiration of the approved leave period.
- 9.1.1.5. A probationary employee who takes leave without pay may have his/her probationary period extended for the length of the leave.
- 9.1.1.6. Upon return from leave without pay, an employee will be placed in his/her former position unless there has been a change in staffing levels or staff organization which necessitates the assignment of the employee to an available position for which he/she is qualified.
- 9.1.1.7. No requests will be considered beyond one (1) academic year. At the end of one (1) year's absence, the employee may reapply.
- 9.1.1.8. Failure of an employee to report for duty at the expiration of the leave without pay period may be cause for dismissal

9.2. Extended Leave

- 9.2.1. Extended leave without pay may be approved by the division superintendent of his/her designee in cases in which the employee:
 - 9.2.1.1. Has already used his/her available family and medical leave pursuant to the Family and Medical Leave Act in the relevant twelve-month period, but has requested additional leave; or
 - 9.2.1.2. Is not eligible for the Family and Medical Leave Act leave based upon time of service requirements.

9.3. Education Leave

- 9.3.1. A teacher may be granted a leave of absence for up to one year by the division superintendent, for the purpose of completing work toward a Master's or higher level degree. To be eligible for education leave, the individual must have served three (3) years of employment in Fauquier County Public Schools prior to the commencement of the leave period.

9.4. Employee's Debilitating or Life-Threatening Illness or Injury

- 9.4.1. An employee may apply for long-term medical leave as an extension of leave granted pursuant to the Family and Medical Leave Act when a debilitating or life-threatening injury or illness prevents the employee from performing required job functions for more than twelve work weeks. The employee shall exhaust all of his or her accrued sick, annual and/or personal leave before accessing long-term

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medical leave under this section. Any long-term medical leave granted pursuant to this section shall be leave without pay. Any long-term leave granted pursuant to this section shall be for a period not to exceed one calendar year.

- 9.4.2. The division superintendent may require medical certification to document the debilitating or life-threatening injury or illness affecting the employee. Such certification shall include a summary of the health condition, the date the health condition began or became known to the employee, the probable duration of the health condition, and any other appropriate medical information the employee and his or her medical provider believe is necessary for the school division to consider.
- 9.4.3. During the employee's absence for long-term medical leave as authorized by this section, the employee shall not accrue sick leave, personal leave or annual leave benefits. However, for the specified duration of the leave period, the School Board shall continue to pay the employer's contribution to the group health insurance coverage maintained by the employee at the time the leave period began. The employee shall be responsible for ensuring that the employee's portion of the group health insurance coverage is paid. If the employee ultimately fails to return from long-term medical leave authorized by this section, the employee shall reimburse the School Board for the employer's contribution to the group health insurance coverage paid by the School Board during the leave period.
- 9.4.4. Before the School Board permits the employee to return to work following a period of long-term medical leave pursuant to this section, the employee shall present a written statement from his or her medical provider stating that the employee can resume his or her employment and perform all regularly assigned duties on a specified date

10. Military Leave

- 10.1. Military leave shall be granted for all school employees entitled to such leave consistent with applicable law.
- 10.2. Pay/Paid Leave
 - 10.2.1. All employees on military leave will receive up to fifteen (15) days paid leave per federally funded tour of duty.
 - 10.2.2. In addition, Fauquier County School Board employees whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component has required their absence from their full-time employment shall receive supplemental pay as determined by and from the School Board if the military compensation of such employee is less than the regular salary paid to such employee by the School Board. The employee shall be permitted, upon request, to use any vacation, annual, or similar leave that has accrued at the time military leave began.
- 10.3. Except as outlined herein, military leave is unpaid.
- 10.4. Benefits
 - 10.4.1. Health Benefits
 - 10.4.1.1. If the employee so desires, the employee and the employee's dependents may continue to participate in the School Board's group health plan for up to twenty-four (24) months while the employee is on military leave. The employee must notify the School Board's human resources director if he or she wants to continue participating in the School Board's group health plan. Employees who elect to continue on the School Board's health plan will be responsible for payments, as authorized by applicable federal law.

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10.4.2. Retirement Benefits

- 10.4.2.1. An employee reemployed after military leave will be treated as not having incurred a break in service. The period of military leave will be considered services to the school division for purposes of vesting and benefit accrual. The school division is responsible for its pension plan funding obligation. The school division is not required to make its contribution until the employee is reemployed.
- 10.4.2.2. The employee will be permitted, but not required, to make up his or her contributions to a contributory plan. The employee may repay his or her employee contributions for a period of up to three times the period of military service, but not to exceed five years. If the employee's retirement plan is contributory and the employee does not make up his or her contributions, he or she will not receive the employer match or the accrued benefit attributable to his or her contribution because the School Board is required to make contributions that are contingent on the employee's contributions.
- 10.4.2.3. The employer and employee contribution shall be calculated on the rate of pay the employee would have received but for the absence to serve military duty.

10.5. Reemployment

- 10.5.1. An employee who is entitled to military leave by reason of service in federal military reserves is entitled to be reemployed by the School Board so long as he or she:
 - 10.5.1.1. Has given advanced notice of the need for military leave (unless advanced notice is precluded by military necessity or is otherwise impossible or unreasonable under the circumstances);
 - 10.5.1.2. Has not been absent from his or her job for more than five years; and
 - 10.5.1.3. Returns to work as outlined below.
- 10.5.2. If the employee was absent from work for:
 - 10.5.2.1. Fewer than thirty-one (31) days, he or she must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
 - 10.5.2.2. More than thirty (30) but fewer than one hundred eighty-one (181) days, the employee must submit an application for reemployment within fourteen (14) days after the completion of military service;
 - 10.5.2.3. More than one-hundred eighty days (180), the employee must submit an application for reemployment within ninety (90) days after the completion of military service.
- 10.5.3. Employees who are entitled to military leave due to service in the Virginia military reserves must make written application for reemployment within five (5) business days of release from duty.
- 10.5.4. Upon returning from military duty, an employee will be restored to the same job he or she held before leaving, or to a comparable job. The School Board is not obligated to reemploy persons returning from military leave in certain unusual situations specified by applicable state and federal law.

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10.5.5. Termination after Reemployment

10.5.5.1. A person who is reemployed after returning from more than thirty (30) days of military duty will not be discharged, except for cause:

10.5.5.1.1. Within one year after the date of reemployment, if the person’s period of military service before the reemployment was more than one-hundred eighty (180) days; or

10.5.5.1.2. Within one-hundred eighty days after the date of reemployment, if the person’s period of military service before the reemployment was more than thirty (30) days, but fewer than one-hundred eighty one (181) days.

11. Civil Leave

11.1. Leave of absence designated as civil leave with full pay shall be granted employees to serve on a jury, to attend court as a witness under subpoena. Employees shall provide documentation of the required jury duty or court appearance to their supervisor prior to the date(s) of the jury duty or court appearance.

11.2. No employee who is summoned to serve on jury duty shall be terminated from his or her employment, have any adverse personnel action taken against him or her, or be required to use sick leave or vacation leave as a result of his or her absence. An employee who serves jury duty for four (4) or more hours, including travel time, in one day shall not be required to start any work shift that begins on or after 5:00 p.m. on the day jury duty is served or before 3:00 a.m. on the day following his jury duty.

11.3. No employee (except a criminal defendant) shall be terminated from his or her employment, have any adverse employment action taken against him or be required to use sick leave or vacation leave as a result of his or her absence due to having been (1) summoned or subpoenaed to appear in court when a case is to be heard; or (2) required in writing by the court to appear at a future hearing, upon giving reasonable notice to his or her supervisor of the court appearance or summons.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 44-75.1, et seq, 44-93, 8.01-341.1, 18.2-465.1, 22.1-289.2, 22.1-296, Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301, et. seq.; 20 C.F.R. Part 1002, et. seq.

Policy GCBDJ Follows

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POLICY GCBDJ adopted on February 8, 1993 and revised November 14, 2005.

1. SCOPE

1.1. This policy applies to all permanent full-time and permanent part-time employees.

2. DEFINITIONS

2.1. Sick Leave

2.1.1. Sick leave is defined as an approved employee absence during regularly scheduled work hours for the following reasons:

2.1.1.1. An illness or a medical necessity, causing an employee's temporary disability from performing his/her job duties, including disability relating to pregnancy or childbirth;

2.1.1.2. If an employee has, or has been exposed to, a contagious disease such that his/her presence on the job might jeopardize the health of others; and/or

2.1.1.3. If an employee's medically related appointment(s) cannot be scheduled during non-work hours.

2.2. Family Sick Leave

2.2.1. Family sick leave is defined as an approved employee absence during regularly scheduled work hours due to the illness of an immediate family member. An immediate family member is defined as the employee's:

2.2.1.1. Parents, including step-parents;

2.2.1.2. Spouse;

2.2.1.3. Children, including step-children and foster children;

2.2.1.4. Siblings, including step-siblings; and

2.2.1.5. Any relative, either by blood or marriage, living in the employee's household.

2.2.2. The use of family sick leave shall be debited against employee sick leave balances.

3. PROCEDURES

3.1. Sick Leave Requests and Approval

3.1.1. Employees wishing to use sick leave must request approval from their supervisor, or supervisor's designee.

3.1.2. Employees who have prior knowledge of an impending need to use sick leave (i.e. for operations; special medical, dental or optical treatments; etc.) shall make the request for sick leave as far in advance as possible.

3.1.3. Upon exhaustion of sick leave balances, employees may request approval to use accrued annual, personal or compensatory leave.

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- 3.1.4. Employee absences without appropriate supervisory approval shall be considered unauthorized.
- 3.1.5. Employees may elect to enroll in and contribute to the Sick Leave Bank, from which eligible employees may withdraw sick days in accordance with established policy.
- 3.2. Verification of the Need for Sick Leave
 - 3.2.1. Employees wishing to use sick leave must comply with management requests for verification of need.
 - 3.2.2. Employees may be required to submit verification at any time.
 - 3.2.3. Failure to comply with management requests for verification may result in disapproval of sick leave.
 - 3.2.4. Forms of verification include, but are not limited to, the following:
 - 3.2.4.1. Certification from the treating physician that the employee is temporarily disabled and is unable to work. The physician's certification should include the extent of the employee's disability and the estimated period of disability;
 - 3.2.4.2. Certification from the treating physician that the employee's immediate family member is temporarily disabled. The physician's certification should include the extent of the immediate family member's disability and the estimated period of disability;
 - 3.2.4.3. Certification from the treating physician that the employee currently has or has been exposed to a contagious disease such that his/her presence on the job might jeopardize the health of others; or
 - 3.2.4.4. Evidence that the employee or employee's immediate family member has a medical appointment that could not have been scheduled during non-work hours.
 - 3.2.5. Employees may be required to take a medical examination at the expense of the School Division in cases where use of leave is excessive or questionable.
 - 3.2.6. Before returning to work from sick leave, employees may be required to submit a physician's certification indicating fitness to return.
- 3.3. Maternity Leave
 - 3.3.1. Employees may utilize accrued sick leave to take leave after the birth of a child. Such leave shall run concurrently with Family/Medical leave (FMLA).
- 3.4. Bereavement Leave
 - 3.4.1. Employees may utilize accrued sick leave to take leave associated with the bereavement of an immediate family member.
 - 3.4.2. Employees wishing to use bereavement leave must request approval from their supervisor, or supervisor's designee.
 - 3.4.3. For any one (1) incident, bereavement leave shall be limited to four (4) consecutive days and shall be taken within a reasonable time frame after the death of the immediate family member. The Superintendent may extend bereavement leave beyond four (4) consecutive days as he/she deems necessary and appropriate.

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3.5. Sick Leave Advancement

3.5.1. At the beginning of each school year, each full-time permanent employee of the Fauquier County School Division shall be advanced sick leave based on the following schedule:

10-month employees	10 days a year
11-month employees	11 days a year
12-month employees	12 days a year.

3.5.2. At the beginning of each school year, each part-time permanent employee of the Fauquier County School Division shall be advanced sick leave based on the following schedule:

10-month employees	5 days a year
11-month employees	5.5 days a year
12-month employees	6 days a year.

3.6. Using (Debiting) Sick Leave

3.6.1. Sick leave shall be debited in no less than one-half (.5) hour units, except for the case of bus drivers and bus aides where sick leave shall be debited based upon days and in no less than one-quarter (.25) day units.

3.6.2. Each school or department shall forward to the Payroll Office approved monthly sick leave records indicating credits, sick leave debits, and balances for employees. The records shall include approved sick leave request forms for all sick leave taken.

3.6.3. An employee cannot claim any portion of accumulated sick leave unless he/she has actually reported for duty for the regular school term in accordance with the terms of the employee's contract or unless he/she is in an approved family and medical leave status. However, if such an employee is unable, because of illness or injury, or because of a reason qualifying for family and medical leave, to commence assigned duties when school opens in the fall, such employee may be allowed to use accumulated leave to his/her credit as of June 30 of the immediate preceding school year.

3.6.4. When an employee is absent from work as a result of personal injury or assault arising out of, and in the course of his/her employment, no part of such absence will be charged to his/her sick, annual or personal leave. He/she will be paid full salary for the period of eligibility of payment under the Worker's Compensation Act up to twenty-six (26) weeks on condition that insurance benefit checks received from WCA insurance by the employee for the loss shall be submitted forthwith to the Finance Office.

3.7. Treatment of Sick Leave Upon Change in Status

3.7.1. For all certificated and administrative personnel, a maximum of ninety (90) days of accumulated sick leave shall be accepted from other Virginia School Divisions.

3.7.2. Upon lateral transfer, promotion or demotion from one (1) position or department to another, employees shall retain prior accrued sick leave balances.

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3.7.3. Upon retirement, an employee with three (3) or more years of service:

3.7.3.1. May be paid a lump sum for accumulated sick leave balances up to a two hundred fifty (250) day maximum according to the following pro-rated schedule:

1-50 days	at \$20 per day
51-100 days	at \$30 per day
101-150 days	at \$40 per day
151 days and above	at \$50 per day

3.7.3.1.1. The maximum lump sum payment shall not exceed \$9,500.

3.7.3.1.2. The lump sum payment shall not include sick leave accumulated and transferred to Fauquier County Public Schools from other School Divisions.

3.7.3.2. In lieu of a lump sum payment, the employee may apply (credit) accumulated sick leave balances to the payment of health insurance premiums associated with COBRA. Such sick leave credits shall be made according to the pro-rated schedule identified in section 3.7.3.1, above, and shall be made on an after-tax (net pay) basis.

3.8. Employees separating from service prior to June 30 who have used more sick leave than would have accumulated per month, based upon the schedules in section 3.5, above, shall be required to repay such leave.

3.9. Employees hired prior to November 14, 2005, will be grandfathered and therefore will be subject to Policy GCBDJ adopted on February 8, 1993, and revised on November 8, 2004.