

## SICK LEAVE

### 1. Eligibility

The following employees can earn sick leave:

- a. A full-time employee.
- b. A part-time employee who works 50% or more of a full-time contract period except substitute employees and seasonal coaches.

### 2. Accumulation of Sick Leave

Sick leave shall be credited in the following manner:

- a. A full-time employee shall earn leave at the rate of one day for each month of contracted employment.
- b. A part-time employee who works 50% or more of a full-time contract earns sick leave in proportion to the length of their contract (Ex: .8 FTE = 80% of full-time sick leave annual total).
- c. Sick leave may be accumulated without limit. The following schedule is used to compute sick leave accumulations for the initial calendar month in which the employee is appointed:
  - I. Annual sick leave accrual based on length of contract will be front loaded at the beginning of each contract period for all eligible employees that represent accruals per pay period of 4 hours for twenty-four pay periods of 12-month employees, 3.5 hours for twenty-one pay periods of 10-month employees, etc. Employees leaving before the end of their contract period that have taken sick leave in excess of what would have accrued during their employment period up until separation will have an equivalent amount deducted from their separation pay.
  - II. A full-time employee hired on or before the 10<sup>th</sup> of the month, one sick leave day is earned their first month of employment.
  - III. A full-time employee hired between the 11<sup>th</sup> through the 20<sup>th</sup> of the day, one-half day is earned their first month of employment.
  - IV. A full-time employee hired on or after the 21<sup>st</sup> of the month, no sick leave day is earned their first month of employment.
  - V. An eligible non-exempt part-time employee proportionally follows this computation.

- d. A full-time less than 12-month employee who fulfills all the obligations of their contract earns one sick leave day in June.
3. Proof of Illness

As the director is responsible for overseeing sick leave privileges, the director or designee may require a certificate from a physician at any time.

A physician's certificate is required in every case of absence of three (3) or more consecutive days. This certificate shall state that the employee has been incapacitated from work for the period of absence. When such proof of illness is required and not presented, the absence may be considered leave without pay.

Following six (6) weeks of sick leave, the employee shall submit additional certification from their physician that their physical condition requires further absence. Medical certification may be required under the Family and Medical Leave Act (FMLA) for any sick leave determined to be FMLA leave.

4. Reinstatement of Sick Leave Credit

- A. If an employee is on an approved leave of absence without pay for ten (10) or more working days in any calendar month, sick leave is not accrued for that month and will be deducted from the subsequent year's annual accrual advancement totals. Upon return to work from an approved leave without pay, the employee is entitled to resume normal accruals.
- B. If an employee is re-employed after separation of less than three (3) years, previously earned sick leave credits shall be reinstated provided the employee did not receive a pay out of 'sick leave hours' at the time of employment separation.

5. Donation of Sick Leave

- A. Generally

- a. Maggie L. Walker Governor's School (MLWGS) shall maintain a practice for full-time MLWGS employees who have a prolonged, catastrophic, or long-term illness or injury and who have exhausted his or her own sick and personal (UPB) leave to receive donations of sick leave from other full-time employees. Sick leave shall not be donated for family care.

- B. Eligibility

- a. Full-time employees with five (5) years of consecutive service in need of sick leave donation shall make their need known to the director or designee in writing. Such written notification shall include written certification of need

(pursuant to “A” above) by licensed medical personnel who is treating the employee.

- b. The director or designee shall certify via payroll accounting that the sick leave and personal leave balances of said employee has been exhausted.
- C. Donation
- a. If a full-time employee requests and is found eligible for donations of sick leave, a written solicitation shall be sent to staff by the director or designee.
  - b. Donations of sick leave to eligible full-time employees shall be voluntary, and donor names shall not be made public or known to the recipient.
  - c. Donors of sick leave shall make their gift of leave in writing to the director or designee. Sick leave donation shall be made in amounts of “hours”. Any number of full hours may be donated.
  - d. Eligible employees shall not receive leave donations under this regulation in excess of twenty (20) days in an academic calendar year.

#### 6. Adoption

Accumulated sick leave (for maximum of 20 consecutive days) may be used for the purpose of an employee remaining at home with a newly adopted infant. Certification of adoption is required.

#### 7. Illness in the Family

8. An employee may use up to ten (10) days of accumulated or anticipated sick leave per academic year for illness in the immediate family except in the case of a life-threatening or debilitating illness or injury. A physician’s certificate is required in every case of absence of three (3) or more consecutive days. The immediate family of an employee shall be regarded to include spouse, children, stepchildren, parents, stepparents, siblings, grandchildren, grandparents, step-grandparents. Immediate family shall also include any other relative, no matter how distant, living in the household of the employee. Physician’s Certificate

The director or designee may request a medical certificate at any time. An employee exhibiting behaviors that indicate impairment may be required to go directly to the emergency room or primary care physician.

#### 9. Transfer of Sick Leave

Accumulated sick leave earned by an employee in a state public institution will be accepted at full value upon presentation of acceptable proof of sick leave balance by an employee transferring to the school.

- a. Sick leave balance earned by an employee in a Virginia public institution will be accepted at full value up to 200 days.
- b. Sick leave balance earned by an employee in a state public institution outside of Virginia will be accepted at half value up to 200 days.

Accumulated sick leave will be transferred to other Virginia public institutions, if requested by the employee within three (3) years from the resignation date.

#### 10. Employee Selling Unused Sick Leave to MLWGS

Full-time employees with ten (10) or more consecutive years of service without interruption prior to July 1, 2018, shall have the option of selling accumulated unused sick leave in excess of one hundred days to Maggie L. Walker Governor's School. An employee may sell a maximum of fifty (50) days per year at a rate of **\$52.50** per day. Full-time employees whose employment contract with Maggie L. Walker Governor's School began on or after July 1, 2018, are not eligible to sell unused sick leave.

Part-time employees are not eligible to sell unused sick leave.

#### 11. Payments to employees for Unused Sick Leave at Separation of Employment

Full-time employees whose contract began on or before July 1, 2018, and who have worked at Maggie L. Walker Governor's School for five (5) or more consecutive\* years without interruption shall be compensated for accumulated unused sick leave upon separation from employment, retirement or death and who is also a member of any VRS plan, Plan 1, Plan 2 or monthly Hybrid Plan (or their estates in the event of death) shall be entitled to a partial per diem payment as described below for all credited sick leave earned through the date of separation from employment, retirement or death.

- 1) For full-time employees hired on or prior to July 1, 2018, payment for accumulated unused sick leave will be processed as follows:
  - A. Each full-time employee eligible to receive payment for accumulated unused sick leave will receive as compensation for their accumulated unused days of sick leave, up to and including 100 days at a rate of **\$52.50** per day.
  - B. For each day of accumulated unused sick days in excess of 100 days, each full-time employee eligible to receive payment for accumulated unused sick leave will receive a rate of **\$105.00\*\*** per day.

- C. Payments for unused sick leave will be calculated on the next payroll after the employee separates employment to allow for any usage of time during their last pay period.
- 2) For full-time employees whose contracts began on or after July 1, 2018, and who have worked at Maggie L. Walker Governor's School for five (5) or more consecutive\* years without interruption shall be compensated for accumulated unused sick leave **only upon retirement or death**. Upon retirement or death under any VRS plan, full-time employees in Plan 1, Plan 2 or monthly Hybrid Plan (or their estates in the event of death) shall be entitled to a partial per diem payment for all credited sick leave earned through the date of retirement or death.

For full-time employees hired after June 30, 2018, payment for unused sick leave will be processed as follows:

- A. Each full-time employee eligible to receive payment for accumulated unused sick leave will receive as compensation for their accumulated unused days of sick leave, up to and including 100 days a rate of **\$52.50** per day.
- B. For each day of accumulated sick days in excess of 100 days, to a maximum of fifty (50) days, each full-time employee eligible to receive payment for unused sick leave will receive a rate of **\$105.00\*\*** per day.
- C. Payments for unused sick leave will be calculated on the next payroll after the employee separates employment to allow for any usage of time during their last pay period.

In both scenarios' an individual must have been an employee of Maggie L. Walker Governor's School for at least five (5) consecutive\* years to be eligible for compensation of unused sick leave upon resignation, retirement, separation of employment for cause, or death.

\*Consecutive is defined as no break in service; i.e., resignation, retirement, and/or separation of employment for cause.

**\*\* Substitute Rate September 2021**

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Pol No. 5065	Staff Leave and Absences
Pol No. 5070	Family and Medical Leave (FMLA)
Reg No. 5065-R2	Personal Leave
Reg No. 5065-R12	Leave of Absence without Pay