

LEAVE OF ABSENCE WITHOUT PAY

A leave of absence without pay may be granted to any exempt employee on continuing contract or non-exempt employee with at least three consecutive years of full-time service in the school based on documentation provided and detailed information indicating the reason for the request. The leave may not exceed one (1) contractual year except by approval of the Regional School Board of up to two (2) contractual years. All leave of absence requests must be separated by at least three years of active full-time employment. Based on satisfactory job performance, leave may be granted for illness, family demands, military leave, or an approved teaching position in an international setting. For illness-related leaves, supporting documentation from a physician must be submitted at the time of request. An employee returning from a leave of absence shall not be guaranteed his/her former assignment but will be placed in a position for which he/she is licensed and qualified. (Special provisions apply for employees requesting military leave and may be found under Regulation No. 5065-R9).

A leave of absence without pay shall not be granted for an employee to perform other work for pay except in the case of military leave or an approved teaching position in an international setting.

A request for a leave of absence must be submitted, in writing, to the executive director or his/her designee at the earliest possible date, but no less than thirty (30) days prior to the expected commencement of leave. Factors to be considered in granting the leave of absence shall include the normal contractual period or work requirements of the applicant's position. If the leave is for illness or disability, the leave of absence can commence only after leave under the Family and Medical Leave Act (FMLA) has been taken.

Sick leave/annual leave does not accrue during a leave of absence; however, the individual may maintain their accrued leave during the period of the leave of absence unless the FMLA applies.

Credit for experience will not be earned during the period of leave of absence except in the case of a full-time approved teaching position in an international setting. Documentation for dates of service must be provided.

The employee is eligible during a leave of absence to continue all insurance coverage; however, the employee must make arrangements to pay the entire premium for such insurance except in the case of approved medical leave. For approved medical leaves, Maggie L. Walker Governor's School will continue to pay its portion of the medical and/or dental insurance for up to six months. Workers' Compensation benefits are not applicable during the leave.

Group Life Insurance is paid by Maggie L. Walker Governor's School.

An employee must inform the executive director or executive director's designee in writing of their intention to return to active status for the following contract year no later than April 1 of the current contract year. Failure to provide written notification to the executive director or executive director's designee by April 1 may result in termination of employment effective at the end of the leave period.

If no suitable vacancy exists, that is one for which the individual is qualified, the employee will continue in a leave without pay status and will be given preference over new applicants for the next suitable opening. If more than one employee has given notice of intent to return to active employment, employees will be assigned to an available position based on notification date. The guarantee of a suitable available position will expire twelve (12) months after the April 1 deadline for written notification to the executive director or executive director's designee of their intent to return. Failure to accept a suitable position will result in termination of employment.

Notwithstanding the above, a single instance of leave of absence without pay shall be granted for a period of no less than five (5) consecutive work days to an employee with a life-threatening or debilitating illness or injury without regard to the employee's length of service. Such leave shall run concurrently with leave prescribed by the FMLA, if applicable. Upon receipt of a request prescribed herein, the executive director or his/her designee shall have sole discretion to grant additional days of leave beyond the required five consecutive workdays.

Adopted: September 18, 2014

Amended: October 15, 2020

Amended: September 19, 2024

Legal Ref: Code of Virginia, 1950, as amended, §§22.1-70, 22.1-78

Cross Ref:

Pol 5060	Reduction in Professional Staff Work Force
Pol 5065	Staff Leave and Absences
Pol 5070	Family and Medical Leave (FMLA)
Reg 5065-R9	Military Leave Reserve Training and Active Duty
Reg 5062-R	Health and Dental Care Benefits