

## Policy Guide – Leave Policies – General Provisions

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**APPLICATION:** Full-time, Quasi Full-time, and part-time classified employees

**BACKGROUND:** Policy 4.30, Leave Policies – General Provisions will be abolished and will be replaced by this guide.

### **NARRATIVE:**

It is the Commonwealth's objective to establish uniform policies by which employees are permitted to take time off from work.

#### Approval of Leaves

- Agency approval necessary for all leaves of absence
  - Before taking a leave of absence from work, whether with or without pay, employees should request and receive their agencies' approval of the desired leave.
  - When practicable, and for as long as the agency's operations are not affected adversely, an agency should attempt to approve an employee's request for a leave of absence for the time requested by the employee, except that compensatory and overtime leave may be scheduled by the agency at a time convenient to agency operation.
  - If the time requested for a leave of absence conflicts with agency operations, the agency has the discretion to approve the employee's request for an alternate time.
- Employee requests for leave
  - Employees should request leaves of absence as far in advance of the desired leave as practicable.
  - Employees should submit requests for leaves of absence in accordance with the specific requirements set forth in the respective leave policies, and which may be set forth in their agencies' procedures for requesting leaves.
  - If an employee could not have anticipated the need for a leave of absence, the employee should request approval for the leave as soon as possible after leave begins. In reviewing the request for approval, the agency should consider, among other things, the circumstances necessitating leave and whether the employee could have anticipated the need.

#### Sufficient accrued leave

- Agencies may not approve paid leaves of absence to be taken in a pay period in which an employee does not have sufficient accrued leave to cover the absence.
- Employees are responsible for knowing the amount of accrued leave to which they are entitled and that they have earned. Employees will be required to reimburse their agencies for time taken off from work if they did not have sufficient accrued leave to cover such time off.

#### If agency denies request for leave of absence

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- If an agency does not approve an employee's request for leave, but the employee still takes the requested time off from work, the employee may be subject to the actions listed below.
  - the absence will be designated as unauthorized;
  - the employee will not be paid for the time missed;
  - because the employee has experienced Leave Without Pay, they will not accrue annual or traditional sick leave for the pay period(s) when the absence occurred; and
  - the agency may also take disciplinary action under Policy 1.60, Standards of Conduct.

### Maintenance of Records Related to Leaves of Absence

- Records subject to audit
  - Payment for leaves of absence is an expenditure of Commonwealth funds and, therefore, records related to employee leaves of absence are subject to audit by the Auditor of Public Accounts, the State Internal Auditor, and the agency's internal auditor.
- Requirements for records
  - Agencies must maintain accurate and up-to-date leave records in sufficient detail that they can be evaluated during an audit by the agency's internal auditor, the State Internal Auditor, or the Auditor of Public Accounts.
- Leave Accrued, Used or Paid in Error
  - Each employee is accountable for knowing their correct leave balance and accrual rate. The failure of an agency's systems or errors by responsible employees does not remove that responsibility. If it is discovered that an employee has accrued or used leave in excess of the amount to which they are entitled, the incorrect balances will be corrected, and the employee may be required to repay the agency for leave taken in error.
  - Repayment may be made by: deducting the excess hours from the employee's current leave balance, if adequate; deducting from future accruals until the amount of overuse is repaid; deducting the equivalent value of the leave time from the employee's pay over a time deemed reasonable by the agency head or designee; or a combination of methods as deemed appropriate by the agency head or designee.
  - A written repayment agreement is required. If the employee does not complete repayment before separating from state service, the outstanding amount may be deducted from the final salary or leave payment.
- Recording date of termination and accrued leave
  - Employee not on leave: The termination report of an employee not on leave may state the termination date as the last day that the employee actually worked and shall include the amounts to be paid for accrued leave; however, if approved, leave (annual, family/personal, compensatory, overtime, or recognition) may be used on their last scheduled workday before separation from state service, including retirement.

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- Employee on leave with pay: The termination report of an employee on leave with pay shall state the termination date as the last day that the employee was on paid leave.
- Employee on leave without pay: The termination report of an employee on leave without pay who fails to return to state service shall state the termination date as the last day of leave without pay.

### Treatment of Accrued Leave on Change of Status

- Upon certain changes in employment status, including an employee's termination from state service, an employee may receive payment for all or a portion of their accrued annual, sick, compensatory, overtime leave, or recognition leave.
- Policies 2.20, Types of Employment; 4.10, Annual Leave; 3.10, Compensatory Leave; 3.15, Overtime Leave; 4.55, Sick Leave; and 4.57, Virginia Sickness and Disability contain information on how leave is handled upon change in status of the employee.

### Leave Policies

- Policy 3.10 Compensatory Leave
- Policy 3.15 Overtime Leave
- Policy 4.05 Civil and Work-Related Leave
- Policy 4.10 Annual Leave
- Policy 4.15 Educational Leave
- Policy 4.17 Emergency/Disaster Leave
- Policy 4.20 Family and Medical Leave
- Policy 4.21 Parental Leave
- Policy 4.25 Holidays
- Policy 4.35 Leave Sharing
- Policy 4.37 Leave to Donate Bone Marrow or Organs
- Policy 4.40 School Assistance and Volunteer Service Leave
- Policy 4.45 Leave Without Pay-Conditional/Unconditional
- Policy 4.50 Military Leave
- Policy 4.52 Public Health Emergency Leave
- Policy 4.55 Sick Leave
- Policy 4.57 Virginia Sickness and Disability Program Leave
- Policy 4.60 Workers' Compensation