

PERSONNEL

Sick Leave

The procedures set forth in this Regulation will govern the earning and use of sick leave for all employees.

A. Earning Sick Leave

Full-time benefit eligible employees are front-loaded the hourly equivalent of one work-day of sick leave for each month in their contracts, (e.g., 10-month employees earn the hourly equivalent of ten (10) days, 11-month employees earn the hourly equivalent of eleven (11) days, and 12-month employees earn the hourly equivalent of twelve (12) days). Part-time employees, as defined in Policy 4-1, will earn sick leave on a prorated basis.

Sick leave will be front-loaded at the time employment begins and at the beginning of each fiscal year thereafter. Employees who are hired after the beginning of the current fiscal year will be front-loaded a prorated amount of sick leave.

B. Accumulation of Sick Leave

Virginia Beach City Public Schools will accept the transfer of accumulated sick leave up to the hourly equivalent of ninety (90) days from other Virginia public school divisions or from the City of Virginia Beach. Transfer of City of Virginia Beach Paid Time Off (PTO) leave for Hybrid employees is limited to the hourly equivalent of twelve (12) workdays towards VBCPS sick leave. It is the responsibility of the individual to affect the transfer of sick leave to Virginia Beach City Public Schools.

There will be no limit to the number of sick leave hours a VRS Plan 1 or Plan 2 employee¹ is allowed to accumulate.

Because employees in the VRS Hybrid Plan² have additional benefits through a short-term disability program, their sick leave accumulation will be limited to up to the hourly equivalent of ninety (90) days of sick leave.

C. Use of Sick Leave

Benefit eligible employees shall be allowed to use sick leave for themselves and their family members. Family members will be interpreted to include spouse; parents (to include mother-in-law, father-in-law, stepparents, and foster parents); children (to include son-in-law, daughter-in-law, stepchildren, and foster children); siblings (to include brother, sister, stepbrother, stepsister, sister-in-law, and brother-in-law); grandparents and grandchildren of the employee and/or his/her spouse; or any relative living in the household of the employee.

The School Division shall at all times retain the right to designate an employee's leave as Family Medical Leave in accordance with the Family and Medical Leave Act (FMLA)³. Family members covered under the FMLA are defined in Regulation 4.55.1 *Family and Medical Leave*.

The minimum amount of leave taken for all employees must equal one (1) hour. Thereafter, leave may be used in one-half hour increments.

Sick leave shall be allowed for the following reasons:

- 1. Medical necessity during temporary incapacity due to illness or injury;
- 2. The illness or injury of an employee's family member;
- 3. Medical necessity during the employee's or the spouse of the employee's temporary incapacity related to pregnancy or childbirth;
- 4. Medical appointments that cannot reasonably be scheduled during non-work hours;

- 5. Infection with or exposure to a contagious disease such that the employee's presence on the job might jeopardize the health of others;
- 6. Death in the employee's family (as governed by Regulation 4-46.1 *Bereavement Leave*);
- 7. Any reason which makes the employee eligible for leave under FMLA⁴.

All absences should be reported in accordance with Regulation 4-44.1 *Reporting Absences*.

D. Certification for the Continued Use of Sick Leave

When an employee is absent and the leave will exceed ten (10) or more workdays, the employee must submit a request for extended leave to the Office of Employee Relations, Department of Human Resources. If the leave of absence is foreseeable, employees should initiate this request by providing thirty (30) calendar days advanced notice. If the absence is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances. Request forms are provided by the Office of Employee Relations, Department of Human Resources.

Hybrid employees who are out more than seven (7) consecutive calendar days for their own personal illness, must file a claim for short-term disability in accordance with Regulation 4-45.4.

When a VRS Plan 1 or 2 or an eligible Hybrid Plan employee is on an authorized, consecutive leave of absence that extends beyond twelve (12) weeks, the leave will be designated as long-term illness or injury of an employee or a family member, as defined by Regulation 4-~~53.4~~45.6, and additional medical certification may be required.

E. Additional Guidelines

When an employee has a "contagious illness" or is otherwise unable to perform the functions of his/her job due to personal illness, the

employee may be sent home by the supervisor. However, matters involving an employee who substantially interferes with or interrupts the work environment due to a personal illness shall be handled as a disciplinary matter. The employee may return to work after recovering from the illness or after obtaining a doctor's note certifying that the employee may return to work.

Verification for the use of sick leave may be required of an employee: 1) who is absent for five (5) or more consecutive work-days; 2) when a pattern of frequent absence develops; or 3) when a supervisor otherwise requires a documentation from a doctor (note: schools based administration should receive preapproval from the Department of School Leadership to make such a request). When verification of illness is required but not presented, the absence may be considered unauthorized and will be without pay. Failure to comply with a request for verification may also result in disciplinary action, up to and including dismissal.

An employee who is sent home or out of work for reasons outlined in subsection C must use accrued sick, annual, or personal reasons leave to account for his or her time out of the workplace. An employee who has exhausted his/her accrued leave will be allowed unpaid leave.

An employee who is on sick leave may not engage in employment for any other employer or self-employment while on sick leave, and failure to comply with this requirement may be grounds for disciplinary action, up to and including dismissal.

Sick Leave will be denied to any employee who provides false information to substantiate the need for sick leave, and the provision of such false information will be grounds for disciplinary action, up to and including dismissal.

F. Adjustments

Changes that occur within a fiscal year to an employee's employment status, work calendar, daily hours, or contracted months may result in

adjustments to front-loaded leave. Adjustments may result in the employee having to make a monetary refund to the School Division.

An employee on a leave of absence will not be front-loaded sick leave after: twelve (12) consecutive workweeks of leave, paid or unpaid, regardless of the type of leave to which the absence is charged, including short-term disability (STD) under the Virginia Local Disability Program (VLDP); or while in a non-working Long Term Disability (LTD) status under VLDP; or on Leave for Long-term Illness or Injury of an Employee or Family Member in accordance with Regulation 4-~~45.653.4~~.

Adjustments and front-loads for Hybrid employees will be calculated accordingly so that the employee's balance does not exceed the maximum hourly equivalent of ninety (90) days. Any sick leave hours in excess of the maximum will be lost and not refunded to the employee. This restriction is due to the additional leave benefits available under the VLDP.

The Department of Human Resources reserves the right to adjust front-loaded sick leave to prevent an overpayment.

G. Termination

In the event an employee terminates employment before front-loaded sick leave hours are earned, the employee will make proper monetary refund to the School Board.

All accumulated sick leave will expire if an employee fails to return to employment with Virginia Beach City Public Schools within ten (10) years of the employee's termination.

At the time of retirement from Virginia Beach City Public Schools, an employee may be paid for each day of accumulated unused sick leave at a rate established by Regulation 4-45.3 *Pay for Unused Sick Leave Upon Retirement*. ~~Payment made to an employee for accumulated unused sick leave will only be made upon retirement. In addition, if an employee has remaining sick leave at the time they exhaust the twelve (12) calendar month limit for a leave of absence under Regulation 4-45.6, *Leave*~~

for Long-term Illness or Injury of an Employee or Family Member, they may be compensated for the unused leave at this rate.

Legal Reference

The Family Medical Leave Act, 29 U.S.C. § 2602 *et seq.*, as amended.

Related Links

School Board [Policy 4-1](#)

School Board [Regulation 4-44.1](#)

School Board [Regulation 4-45.4](#)

School Board [Regulation 4-45.3](#)

School Board [Regulation 4-46.1](#)

School Board ~~[Regulation 4-53.4](#)~~[Regulation 4-53.445.6](#)

School Board [Regulation 4-55.1](#)

Family and Medical Leave Act (FMLA)

Approved by Superintendent: July 16, 1991

Revised by Superintendent: September 15, 1992

Revised by Superintendent: January 18, 1994

Revised by Superintendent: January 18, 1998

Revised by Superintendent: December 13, 2002

Revised by Superintendent: January 14, 2005

Revised by Superintendent: March 8, 2006

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Revised by Superintendent: November 3, 2021

Revised by Superintendent: ,2023

Footnotes

¹ Plan 1 members are those whose VRS membership date is before July 1, 2010, as long as the member was vested as of January 1, 2013. Plan 2 members are those whose VRS membership date is before July 1, 2010, but who were not vested as of January 1, 2013, and whose membership date is on or after July 1, 2010 (but before January 1, 2014).

² Hybrid Plan members are those VRS eligible employees who became members on and after January 1, 2014, and those who elected Hybrid Plan membership during an opt-in window from January 1, through April 30, 2014.

³ The *Family and Medical Leave Act* (FMLA) provides eligible employees with up to 12 weeks of unpaid, job-protected leave within a 12 month period. It also requires that their group health benefits be maintained during the leave. See Regulation 4-55.1, *Family and Medical Leave*.

⁴ Sick leave cannot be used for non-medical “qualifying exigency leave” under the military provisions of FMLA. Annual, personal reasons, or leave without pay may be used for Exigency Leave.

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APPROVED AS TO
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