

PERSONNEL



Leave for Organ or Bone Marrow Donation

An eligible employee shall be entitled up to a total of sixty (60) workdays of unpaid, job protected leave during a twelve (12) month period as medically necessary to donate organs and shall be entitled up to a total of thirty (30) workdays of unpaid, job protected leave during a twelve (12) month period as medically necessary to donate bone marrow. The twelve (12) month period will begin on the first day an employee uses leave pursuant to this Regulation and will end three hundred sixty-four (364) calendar days later.

A. Eligible Employee

An employee who has worked for the School Board for: 1) at least twelve (12) months; and 2) has at least 1,250 hours of service during the 12-month period immediately preceding the leave is eligible to apply for Organ or Bone Marrow Donor (OBMD) leave.

B. Leave

1. If the donation procedure is foreseeable, the employee shall request OBMD leave not less than thirty (30) calendar days before the date leave is to begin. If the procedure requires leave to begin in less than thirty (30) calendar days, the employee shall provide as much notice as is practicable.
2. Requests for OBMD leave shall be made on forms provided by the Office of Employee Relations in the Department of Human Resources.
3. Employees must submit medical certification stating that: a) the eligible employee is an organ donor or a bone marrow donor; and b) there is a medical necessity for the donation of the organ or bone marrow. The certification should include the expected duration of the OBMD leave. The failure of an employee to provide the required medical certification will terminate the employee's right to leave under this Regulation and void any OBMD leave already taken by the employee.
4. An employee must substitute any accrued paid annual, personal, or sick leave for unpaid leave taken pursuant to this regulation. Once all available paid leave options have been exhausted, including any sick leave bank usage and leave donations received, an employee will be placed into an unpaid status. Employees should contact the Office of Employee Relations to determine eligibility for donations and/or sick leave bank usage.

5. OBMD leave will not impact an employee's ability to take leave in accordance with the Family and Medical Leave Act (FMLA) or to take leave in accordance with Regulation 4-45.6, *Leave for Long-Term Illness or Injury of an Employee or Family Member*, within the same year. OBMD leave will not run concurrently with FMLA and long-term illness (LTI) leave.

6. If it becomes medically necessary for an employee's OBMD leave to extend beyond the thirty (30) or sixty (60) day entitlement, the excess leave shall be designated as FMLA, and the employee will be placed into either a paid or unpaid long-term illness status depending on the employee's available paid leave options.

C. Position and Benefits Protection

1. An employee who takes OBMD leave shall, upon return from said leave, be restored to the position the employee left or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

2. An employee taking OBMD leave shall not lose any benefits accrued prior to taking leave.

3. The employee's health benefits during OBMD leave shall be maintained in the same manner as if the employee did not take leave. The School Board may recover any premiums that it paid for maintaining benefit coverages for an employee during the period of unpaid leave if the employee does not return to work after the expiration of the leave, unless the employee does not return because of circumstances that are beyond the employee's control. The Chief Human Resources Officer or designee may require the employee to provide a certification from a health care provider. If the employee fails to provide the requested certification within thirty (30) calendar days of the request, the employee will be obligated to repay all health benefit premiums paid by the School Board. Employees have the option to continue coverage by paying monthly premiums directly to the Consolidated Benefits Office, defer payment of premiums until the conclusion of their approved OBMD period, or cancel coverage by logging on to the Benefitfocus platform (or other School Division provided platform service) within 30 calendar days following the start of the employee's unpaid leave and declining the employee's coverage(s). The effective date of the benefit cancellation will be the end of the month in which unpaid leave began, or the end of the month in which premiums were last paid.

4. Leave taken in accordance with this Regulation shall not affect an employee's continuous service status for purposes of calculating salary adjustments, leave accruals, seniority, or other employee benefits.

D. Additional Guidelines

1. An employee who is on OBMD leave may not engage in employment for any other employer or be self-employed while on leave unless prior authorization is provided by the Office of Employee Relations.

2. Employees in the Hybrid Retirement Plan may qualify for disability benefits under the Virginia Local Disability Program (VLDP). Employees should contact the third-party administrator (TPA) and the Office of Employee Relations for additional information.

Related Links

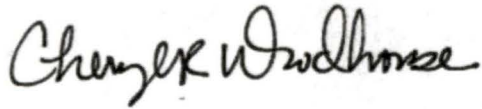
School Board **Regulation 4-45.1**
School Board **Regulation 4-45.2**
School Board **Regulation 4-45.4**
School Board **Regulation 4-45.6**
School Board **Regulation 4-45.7**
School Board **Regulation 4-55.1**

Legal Reference

Code of Virginia § 40.1-33.7 through 40.1-33.12, as amended. Organ Donation Leave.

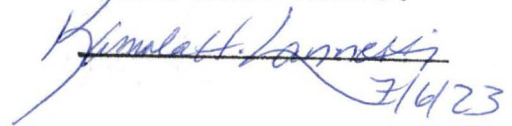
The Family Medical Leave Act, 29 U.S.C. § 2602 *et seq.*, as amended.

Adopted by Superintendent:



7/5/2023

APPROVED AS TO
LEGAL SUFFICIENCY


7/6/23