

# MECKLENBURG COUNTY PUBLIC SCHOOLS EMPLOYEE ABSENCES

## Policy GCBD

### **Reporting Absences**

The division superintendent or his designee shall issue regulations for the reporting of Mecklenburg County School Board employee absences. Unexcused absences may result in an employee's dismissal.

### **Holidays**

All full-time classified and certified employees are entitled to holidays as established on the annual school calendar. Leave for religious holidays may be granted in accordance with the School Board's policy. When any of the holidays fall on Saturday or Sunday, the Superintendent may designate other days, preceding or following the holiday.

### **Religious Holiday Leave**

Any employee whose religious affiliation requires the observance of holidays on scheduled work days may request leave. This leave may be taken as personal or annual leave, or with prior approval, from an employee's sick leave only when other leave has been exhausted. No more than two days of sick leave per leave per year may be used for religious purposes. Employees requesting religious holiday leave must submit the request to their supervisor within a time period which is no less than one week prior to the date of the requested leave.

## **ANNUAL LEAVE – 12-MONTH EMPLOYEES**

### **Classified and Certified Personnel**

All twelve-month classified and certified employees shall be granted vacation at the rate of one (1) day per month. Vacation time may be taken at any time during a contract year if workload permits, and with the authorization of the designated supervisor.

Each year, annual leave days will be provided to twelve-month employees upfront; however, should the employee separate from Mecklenburg County Public Schools within the contract year, the unearned leave utilized will be deducted from employee's final payout.

### **Accumulated Annual Leave**

Annual leave earned by an eligible employee may be accumulated to the following year if it is not used, but not to exceed twelve (12) days of total carry-over unless approved by the division superintendent in writing. Upon termination of employment, employees shall not be paid for any unused accumulated annual leave.

Upon retirement, employees shall be paid at a daily rate of pay for unused

accumulated annual leave not to exceed twenty-four days. To be eligible for such

payment, an employee must have completed a minimum of five (5) years uninterrupted service, including the year of retirement, with the Mecklenburg County Public Schools. The lump sum payment shall be calculated based on the employee's per diem rate at the time of retirement.

## **PERSONAL LEAVE**

### **All Classified and Certified Employees**

A maximum of three (3) days per contract year for personal leave will be granted provided appropriate notice is given to the employee's immediate supervisor. Personal leave shall not be cumulative; however, unused personal leave will be transferred to accumulated sick leave at the end of the fiscal year. If the transfer of personal leave will extend a person beyond the maximum number of sick leave days they are allowed to carry over, the extra days will be forfeited.

Personal leave may not be taken on the day prior to and the day following calendar holidays. For purposes of interpretation of this policy, holidays shall be considered as:

1. First day of summer vacation for students;
2. Thanksgiving
3. Winter Break
4. Spring Break
5. July 4<sup>th</sup>
6. Last day of summer vacation for student and Labor Day.

Upon recommendation of the immediate supervisor, the Superintendent may grant exceptions for extenuating circumstances.

Personal leave earned will be prorated based on employee's hire date.

## **BEREAVEMENT LEAVE**

### **All Classified and Certified Employees**

A maximum of three (3) days for bereavement leave shall be allowed for death in the "immediate family" requiring the attendance of the employee for not more than three (3) consecutive days in any one case. Bereavement leave will be granted provided appropriate notice is given to the employee's immediate supervisor.

"Immediate family" includes natural parents, foster parents, stepmother, stepfather, wife, husband, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, and any other relative living in the household of the

employee. If circumstances merit an extension beyond the three consecutive day limit, the employee must request the extension in writing along with medical or other appropriate documentation to the Division Superintendent. The extension, if approved, cannot exceed an additional three days except in situations covered under the provisions of the sick-leave policy. Additional extenuating circumstances requiring further extensions will be directed to the School Board for action.

#### Documentation

- a. Employees shall notify the appropriate supervisor as soon as impending absence is known.
- b. The School Board or its designee, at its sole discretion may require documentation certifying the death of the employee's immediate family member.
- c. Employees must submit the appropriate form to request leave and/or certify the absence.
- d. Any full-time employee not utilizing the school division time clock shall report absences in increments of one-half day on the Absence/Leave Report.

#### **PART-TIME EMPLOYEES' LEAVE BUS DRIVERS AND CHILD NUTRITION**

Bus drivers and part-time Child Nutrition Workers shall be granted 1 day per month of sick leave consistent with their contract. This equals 9 per year. Bus drivers and Child Nutrition Workers shall be allowed to use one (1) day of leave per year as personal leave provided appropriate notice is given to the employee's supervisor.

#### **SICK LEAVE VRS-1 and VRS-2 Employees Only**

The following provisions apply to all full-time, salaried teachers, administrators, central office staff, maintenance and custodial personnel, school bus garage employees, clerical employees, teacher aides and cafeteria personnel:

##### **1. General Rules**

- a. Ten (10), eleven (11) and twelve (12) month employees may earn a maximum of ten (10), eleven (11) and twelve (12) days respectively for each yearly contractual period.
- b. Earnings for less than a full year shall be at the rate of one day per month or major fraction thereof. This provision applies to those employees who do not begin work at the start of the contracted period and to those who do not complete the full

- contracted period.
- c. Employees shall be permitted to anticipate sick leave earnings for the current contract year. Should the recipient of advanced sick leave terminate employment with the school system prior to earning the amount of sick leave used, the recipient may have the advanced days deducted from the salary.
  - d. An employee cannot claim any portion of earning leave unless he has actually reported for duty in accordance with the terms of his contract. However, if an employee is unable, because of accident or illness, to begin work in accordance with the terms of his contract, such employee may use accumulated leave to his credit not to exceed such balances as of June 30 of the immediately preceding school year.
  - e. Sick leave must be taken in minimum of one-half day increments.
  - f. The principal or Superintendent shall have the authority to require reasonable proof of illness when he deems it necessary.
  - g. Sick leave may accumulate from year to year with a maximum accumulation of 120 days. Except as provided at retirement, no compensation for unused accumulated sick leave shall be provided to employees who terminate employment with Mecklenburg County Public Schools.
  - h. At the time an employee is hired, the School Board shall accept transfer of up to 120 days of sick leave from other Virginia school divisions that participate in the State sick leave plan.
  - i. Unused sick leave will be paid to employees upon retirement at a rate of ten dollars (\$10) a day to a maximum of 120 days. To be eligible, an employee must have completed a minimum of five (5) years uninterrupted service including the year of retirement. Such service shall have been in a sick leave earning position in the Mecklenburg County Public School System. Payment of unused sick leave will not be made to any employee who terminates employment for reasons other than retirement.
  - j. Leave is granted to all employees for injury sustained on the job under the above terms and in accordance with provisions of the Worker's Compensation Act. Provisions of the policy are effective with the adoption date of the policy section and are not retroactive.

### **Return to Work**

For the employee's protection and the protection of co-workers, an

employee may be required to present a written release to return to work, including any restrictions that may apply, from a licensed physician or other accredited practitioner prior to resuming employment. An employee will only be allowed to return to work if he or she is able to perform the essential functions of the job.

### **SICK LEAVE – VRS Hybrid Employees Only**

The sick leave policy general rules for VRS Plans 1 and 2 detailed above apply to Hybrid Employees with the following exceptions:

- a. Sick leave may accumulate from year to year with a maximum accumulation of 90 days. Except as provided at retirement, no compensation for unused accumulated sick leave shall be provided to employees who terminate employment with Mecklenburg County Schools.
- b. At the time an employee is hired, the School Board shall accept transfer of up to 90 days of sick leave from other Virginia school divisions that participate in the State sick leave plan.
- c. Accumulated sick leave will be used to supplement periods of 80% or 60% income replacement disability payments to obtain 100% pre-disability income.
- d. Unused sick leave will be paid to employees upon retirement at a rate of ten dollars (\$10) a day to a maximum of 90 days. To be eligible, an employee must have completed a minimum of five (5) years uninterrupted service including the year of retirement. Such service shall have been in a sick leave earning position in the Mecklenburg County Public School System. Payment of unused sick leave will not be made to any employee who terminates employment for reasons other than retirement.

### **Return to Work**

For the employee's protection and the protection of co-workers, an employee may be required to present a written release to return to work, including any restrictions that may apply, from a licensed physician or other accredited practitioner prior to resuming employment. An employee will only be allowed to return to work if he

or she is able to perform the essential functions of the job.

### **Short-Term Disability**

- a. Employees enrolled in the VRS Hybrid Retirement Plan are automatically members in the Anthem Life Disability Program. Anthem Life is a Short-Term Disability program designed to provide income protection if the employee becomes disabled and is unable to work. Benefits are provided for non-work related and work related disabilities. Benefit terms and conditions are outlined in the program highlights included in this regulation.
- b. Accumulated sick leave will be posted during periods of Short Term Disability to cover the initial 7-day waiting period and for the difference between the amount received under the Anthem Life Disability benefit schedule and the employee's normal pay. The combination of Short Term Disability benefit payments and sick leave pay may not exceed 100% of the normal base pay amount.
- c. Short Term Disability benefits are administered by a Third Party Administrator (TPA) selected by Mecklenburg County Public Schools.
- d. Short Term Disability benefits are 100% funded by the Mecklenburg County School Board; therefore taxes are deducted through payroll as established by IRS regulations.
- e. The Short Term Disability benefit period may exceed the period established under the Family and Medical Leave Act. Nothing in the Short Term Disability plan extends FMLA benefits beyond those provided by law.

### **Long-Term Disability**

- a. Long-Term Disability benefits provide income replacement for employees who become disabled and unable to work for an extended period of time.
- b. Upon exhausting all Short Term Disability benefits, an employee may file a claim for benefits under the Long-Term Disability plan. The claim process is outlined in the Anthem Life Disability guide. Approval of Long-Term Disability benefits rests solely with the insurance company.
- c. Long-Term Disability benefits are paid to the employee by the TPA. Non-work related Long-Term Disability benefit payments are fully taxable.

## **FAMILY AND MEDICAL LEAVE**

For those sick leave absences that qualify under the Family and Medical Leave Act (Regulation 5.330), leave must be requested by contacting the Personnel Office.

Accumulated sick leave will be posted for any portion of FMLA leave deemed medically necessary.

For eligible employees, sick leave used beyond four consecutive days will automatically be designated as Family and Medical Leave Act (FMLA) leave. All FMLA leave shall run concurrently with sick leave used.

The employee or his or her supervisor shall promptly notify the Personnel Office of absence due to long term illness, surgery or other medical emergencies which may qualify under FMLA so that proper documentation can be obtained.

Leave for the birth of a child qualifies under FMLA for both expectant parents. The School Board allows a new father to take five (5) working days immediately after the birth or adoption of a child using sick leave (if leave is available). For additional time beyond five days, only the portion of leave deemed medically necessary by a physician may be posted to sick leave.

Remaining FMLA requested leave will be posted to compensatory leave, personal leave or vacation leave if available, then becomes unpaid leave.

Maternity leave benefits for the new mother are covered under Federal Regulation 5.370.

### **SICK LEAVE BANK (Available only to VRS-1 and VRS-2 Employees)**

The intent of the Sick Leave Bank is to provide some protection for the employee only who experiences catastrophic or long-term illness. Adoption of a child, birth of a child and bonding are not considered catastrophic or long-term illness.

#### **Membership**

Membership shall be voluntary on the part of all certified and classified personnel who are eligible for sick leave in the division.

- Members utilizing the Sick Leave Bank will not have to replace those days except as a regular contributing

- member of the Sick Leave Bank.
- Membership in the bank will be determined on an annual basis and must be designated in writing each year on the appropriate form provided.
- Upon termination of employment or retirement, members will not be allowed to withdraw their days previously contributed.

### **Enrollment**

- a. An eligible employee may enroll during the annual open enrollment period established as May 1st through June 30th of each year. An employee who is hired after the designated enrollment period may enroll within thirty calendar days of employment. Membership in the bank will be determined on an annual basis and must be designated in writing each year.
- b. An eligible employee may enroll in the Sick Leave Bank by donating three (3) sick leave days in order to become a member of the Sick Leave Bank. Continuing membership in the Sick Leave Bank will require an employee to donate one (1) sick leave day. Should there be a break in enrollment in the Sick Leave Bank, the employee must donate three (3) sick leave days to rejoin the Sick Leave Bank.
- c. Days donated to the Sick Leave Bank are irrevocably donated and lost to the control or individual use of the donor except as a participant in the Sick Leave Bank.
- d. A Sick Leave Bank enrollment form must be submitted to the division superintendent or designee (Supervisor of Personnel).
- e. An employee shall be enrolled in the Sick Leave Bank for one month prior to becoming eligible to utilize the benefits of the Sick Leave Bank.

### **Use of the Sick Leave Bank**

- a. The Sick Leave Bank must have a minimum of 420 days donated to implement the program. Members of the bank shall be assessed one (1) day of sick leave if the bank falls below 420 days. Additional assessments of one (1) day each may be made until the bank has a balance of two hundred 420 days. A member may choose to donate up to five (5) days per assessment. A member shall withdraw from the bank if he/she does not accept the assessment and shall lose all contributed days to that point. Members who have no leave to contribute will be assessed an equal number of days the following September.
- b. To request use of the Sick Leave Bank, the employee must make application to the Director of Personnel in writing at least ten days prior to exhausting all available leave. It is not automatic.
- c. No member of the bank will be granted sick leave from the bank until his/her own sick leave and personal leave have been depleted.
- d. A participant becomes eligible to withdraw days from the

bank when he has been out of work twenty (20) consecutive days due to a specific illness or injury. The first twenty (20) days must be covered by the employee's sick leave, personal leave or leave without pay.

- e. The maximum number of days that can be drawn from the Sick Leave Bank by any one member in a given school year (July – June) is 30 days total taken in not less than one half-day increments. Participants who withdraw days from the sick leave bank will not have to replace those days except as a regular contributing participant in the sick leave bank.
- f. Days in the Sick Leave Bank itself not used will be carried over to the next year.
- g. If the sick leave bank becomes inoperative for any reason, the sick-leave days remaining in the bank at that time will be distributed to those participants withdrawing from the bank.
- h. If the sick leave bank is depleted or becomes inoperative, the Board will not be held responsible to anyone then currently withdrawing days from the bank or to anyone then eligible or who may thereafter become eligible to withdraw from the bank.

Adopted: December 15, 2014

Revised: June 15, 2020