

## LEAVE WITHOUT PAY

### Employee's Debilitating or Life-Threatening Illness or Injury

A leave of absence, without pay, may be granted to employees of the school division who have a debilitating or life-threatening illness or injury and who are not eligible for Family and Medical Leave as described in Policy GCBE Family and Medical Leave because they have not worked for the division for 12 months or have not worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

Employees with a debilitating or life-threatening illness who are entitled to leave under this policy may take up to thirty (30) days unpaid leave during their first year of employment with the school division. Leave may be taken only in full-day increments. Leave may be taken only when the employee has no other leave (such as sick leave) available.

Employees must submit medical documentation of their need for leave. Whenever possible, documentation must be provided prior to leave being taken.

Approval must be obtained prior to leave being taken.

All rights under this policy expire at the end of the employee's contract year of service.

### Leave Without Pay-Short Term

All employees who work four hours or more (per your contract or letter of notification), five days a week may request leave without pay for a short term.

Leave without pay is defined as leave that is taken with a loss of pay at the employee's current daily or hourly rate. Leave without pay shall not exceed five (5) days and should be used only on an exceptional basis and is subject to prior approval by the Assistant Superintendent.

Employees who have depleted all of their personal, vacation or compensatory leave may be granted leave without pay on a case by case basis. This leave may be denied based on the anticipated impact on instruction and/or job responsibilities, the time of the school year, upon the recommendation of the principal or supervisor, and frequency of use.

Employees must first deplete all of their accumulated personal, vacation and compensatory time balance before any leave without pay is granted. Employees are requested to monitor their leave usage so that leave without pay is rarely used.

### Leave of Absence (Leave Without Pay Extended Term)

A leave of absence of up to one year may be granted to any employee with at least three successful years of service in the division who provides detailed information indicating the reason for the request. A leave of absence may be taken for health concerns, family demands, or other personal reasons. A leave of absence shall not be granted for an employee to perform other work for pay except in the case of military leave. Educational exchange, service in a full-time capacity as an officer in a professional organization, or governmental assignment on the national or state level will be eligible for consideration.

The employee returning from a leave of absence will not be guaranteed his/her former assignment, but will be placed in a suitable vacant position for which he/she is licensed and/or qualified. If no suitable position 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 available positions based on notification date. The guarantee of a suitable position will expire in twelve months from date written notification was provided, if an intent to return is not provided to the Superintendent or designee. Failure to accept a suitable position will result in termination of employment. Upon expiration of a twelve month period for a suitable vacant position, individuals may apply for vacant positions as they become available.

Acceptance of any full-time employment while on leave, without the approval of the Superintendent, will result in immediate termination of employment and all associated benefits.

Application for a leave of absence will be made in writing at the earliest possible date, prior to expected commencement of leave. Such request should give consideration of the expected contractual period or work requirements of the applicant's position. If the leave is for illness or disability, the leave can commence only after leave cover under the Family and Medical Leave Act has been taken. Employees with documented performance difficulties are not eligible for a leave of absence.

All leaves are unpaid. Sick, annual, and personal leave do not accrue; however, the employee may maintain his/her accrued leave during the period of leave unless Family and Medical Leave Act is applicable. Credit for experience will not be earned during the period of leave.

The employee is eligible to continue all insurance coverage; however, the employee must make arrangements to pay the entire premium for such insurance. Worker's Compensation benefits are not applicable during the leave of absence.

Employees, shall, upon their return to the division, be advanced to the next step on the salary scale provided they completed at least one (1) semester prior to taking leave.

#### Other Work During Leave

Employees who are on unpaid leave pursuant to this policy or any other policy, except those on leave pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (see Policy GCBEB Military Leave and Benefits), may not engage in work for which they receive pay or any other type of remuneration without the prior written approval of the superintendent.

Adopted: July 8, 2014

Revised: March 14, 2017; December 8, 2020

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.

Cross Refs.:	GCBD	Staff Leaves and Absences
	GCBE	Family and Medical Leave
	GCBEB	Military Leave and Benefits