



VCU

VIRGINIA COMMONWEALTH UNIVERSITY

Leave Types and Guidelines

A Resource for Faculty, Classified Employees, and
Timekeepers

Table of Contents	Page
Policy Statement	2
Faculty and Staff Roles and Responsibilities	3
Leave Assistance	3
Accruing Leave	3
Actions That May Affect Leave Accruals	4
Status Changes and Effect on Leave Accruals	5
Overtime and Compensatory Leave	6

POLICY STATEMENT

Each department is required to maintain a record of each employee's hours worked and authorized leave used during each pay period. This record **must** be signed by the employee and supervisor indicating agreement. Original supporting documentation **must** be maintained in a secure location in the department for **five (5) calendar years**. **Following established record retention schedules and after five years, these records may be destroyed by shredding or burning.**

For each pay period and for each employee, departments are required to report leave activity, supplemental pay data, and/or hours worked on the following:

- Classified full-time and part-time employees;
- 12-month faculty;
- 9- and 10-month faculty who earn sick leave (all leave plans) and personal/family leave (Virginia Sickness and Disability Program); and
- Hourly employees, student workers, and work-study employees.

General Leave Statements

- Leave may be used in ¼ hour increments.
- A workweek is defined as 12:01 a.m. Sunday through midnight on the following Saturday.
- The employee's supervisor or person in charge must authorize all absences from work.
 - Educational and Study Research Leave beyond established limits requires University and/or State approval.
- Full-time employees must account for 40 hours of work every week (including leave credits when absent), which normally includes eight hours a day, five days a week and, insofar as possible, shall provide two rest days in every seven-day period.
- Part-time employees must account for their regularly scheduled hours of work each week.
- If employees are absent from work, they must be paid if they have appropriate leave to cover the absence and prior supervisory approval. If employees have no leave credits, they will be docked pay for the number of hours they are absent.
 - Even if an employee has leave accruals, a dock situation could occur when the employee has an **unexcused absence** and the supervisor chooses not to approve leave usage.
- No leave may be taken in anticipation of future leave accruals.
- No off-the-book records can be kept.
- **If an employee works seven additional minutes or less, the time will not be counted as additional hours worked. However, if an employee works more than seven minutes, but less than 15 minutes, this time will be rounded up to the next 15-minute increment and 15 minutes of additional work time will be counted.**
- VCU participates in both the **Traditional Sick Leave Plan (TSLP)**, managed by the Virginia Department of Human Resource Management (DHRM), and the **Virginia Sickness and Disability Program (VSDP)**, managed by the Virginia Retirement System (VRS).
- The semi-monthly pay periods cover the 10th through the 24th of each month and the 25th through the 9th of the following month.
- The leave calendar year is January 10th through January 9th of the following year.
- Classified and faculty employees are paid on the:
 - 16th of the month for hours worked the 25th of the previous month through the 9th of the current month; and
 - 1st of the month for hours worked the 10th through the 24th of the previous month.

ROLES AND RESPONSIBILITIES

<p>FACULTY AND STAFF</p> <p><i>Note:</i> VCU prohibits accruing or carrying leave "off-the-books"</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Submit approved leave requests through Real Time in a timely manner. Submit requests for leave under the Family and Medical Leave Act (FMLA) 30 days in advance, if foreseeable, and within two business days of return to work, if unexpected. <input type="checkbox"/> Non-exempt employees must give hours worked to the timekeeper by departmental deadlines in to ensure prompt payment. <input type="checkbox"/> Regularly inform your department of absences, an expected return-to-work date, and physician-approved medical restrictions. <input type="checkbox"/> Review leave balances in eServices/VCU Self Service every pay period to ensure accuracy; contact timekeepers promptly to resolve discrepancies. <input type="checkbox"/> Notify department promptly of prospective changes in employment status (i.e., for a planned leave of absence or when terminating employment). <input type="checkbox"/> (Staff) Obtain prior approval to work and be paid for overtime, to accrue leave, or to adjust work hours as applicable under the Fair Labor Standards Act (FLSA).
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LEAVE ASSISTANCE

For leave information not covered in this guide or for leave assistance, please contact your departmental timekeeper. Timekeepers who need assistance may call VCU Human Resources at 828-1712 or e-mail leave@vcu.edu.

ACCRUING LEAVE

All classified employees and 12-month faculty are eligible to accrue annual and sick leave (Traditional Plan) beginning with the effective date of employment, if the effective date falls on the first work day of a semi-monthly pay period (10th or 25th of the month). The first working day of the semi-monthly pay period may fall on a day other than the 10th or the 25th of the month.

This action occurs whenever the first day of the semi-monthly pay period falls on a rest day, on a holiday or, in some cases, on both. If the first day of the semi-monthly pay period falls on a holiday or on a rest day, and if the employee begins work on the next workday, then his/her effective day is the first day of the pay period. The employee will be eligible for the holiday as well as leave accruals for that pay period.

Employees must work their entire pay periods or have appropriate leave to cover their absences in order to accrue leave. Employees do not have access to use this leave until the pay period is completed.

Nine- and 10-month faculty accrue sick leave at the beginning of each semester under the Traditional Plan.

Classified employees and 9-, 10-, and 12-month faculty who earn sick and personal/family leave under the Virginia Sickness and Disability Program (VSDP) will be credited with leave effective with the first day of employment and annually on January 10th thereafter.

ACTIONS THAT MAY AFFECT LEAVE ACCRUALS

Absence Exceeding 90 Work Days (Traditional Plan)

Annual and sick leave may accrue each semi-monthly pay period during paid absences that do not exceed 90 workdays. After 90 workdays of paid absence, leave no longer accrues, even if the absence continues as paid leave. For an absence exceeding 14 calendar days, the department must submit to VCU Human Resources a PAF to place the employee on leave with pay (**Note: for employees on leave with pay, their status will remain “active” in Banner. The only indication that they are on leave with pay will be a change reason on the NBAJOBS record**). If the last day of the 90-workday period falls on a day other than the last workday of the semimonthly pay period, no leave is accrued for that pay period.

Absence Exceeding 90 Workdays (VSDP)

Employees in VSDP accrue annual leave during paid absences up to 90 workdays. After 90 workdays of paid absence, annual leave no longer accrues, even if the absence continues to be covered by paid leave. Employees on short- or long-term disability will receive their sick leave as well as family and personal leave accruals upon return to active status.

Leave Without Pay (Traditional Plan)

The department must submit a PAF to place an employee on Leave Without Pay (**LWOP**) when an employee is absent for a period exceeding 14 calendar days. No annual or sick leave accruals will be given while on LWOP. Employees should be directed to Human Resources for specific information pertaining to continuation of benefits. Employees on LWOP are still considered to have continuous state service although their leave anniversary dates may be adjusted. HR will adjust the leave anniversary date by one pay period for every 15 calendar days of absence, or portion thereof, beyond the first 14 days. (If employees are on military LWOP, their leave anniversary dates will not be changed.)

Leave Without Pay (VSDP)

No annual leave accruals will be given while on LWOP. If not already provided for the leave year, employees will receive sick leave as well as family and personal leave accruals upon return to active status. Employees should contact Human Resources for specific information pertaining to continuation of benefits.

Employees on LWOP are still considered to have continuous state service although their leave anniversary dates may be adjusted. HR will adjust the leave anniversary date by one pay period for every 15 calendar days of absence, or portion thereof, beyond the first 14 days. (If employees are on military LWOP, their leave anniversary dates will not be changed.)

Unauthorized Absences and Disciplinary Leaves

- **Leave types DOC unpaid leave (Real Time Code 99992 – Leave www.** When employees are placed in DOC status, no annual or sick leave accruals are given.

- **Holiday Leave.** All full-time employees earn the scheduled holiday by either working or having paid leave hours to cover the scheduled work shift on the work day before and the work day after the holiday. If a dock occurs in either work shift, the employee will not receive pay for the holiday (DOC leave type).

Holiday leave is automatically given to all eligible employees. Timekeepers are responsible for amending timesheets to reflect an employee who should not receive the Holiday Leave due to a DOC, and they need to submit appropriate amendments to Payroll and Human Resources to reflect DOC.

STATUS CHANGES AND EFFECT ON LEAVE

Full-Time to Part-Time – Classified and Faculty (except as noted)

- **Annual Leave.** A faculty member who changes from full-time to part-time employment for a period greater than three months shall be paid in a lump sum for the proportionate amount of the maximum accrued annual leave for which he/she is entitled. Classified employees who change from full-time to part-time employment will keep their annual leave balances.
- **Sick Leave – Traditional Plan (less than five years of continuous state service).** A faculty member with less than five years of continuous state service who changes from fulltime to part-time employment for a period of three or more months shall have his/her sick leave balance reduced by an amount proportionate to the percentage of work hours reduced. The excess hours are forfeited.
- **Sick Leave – Traditional Plan for classified employees (five or more years of continuous service).** The maximum amount of accrued sick leave that may be paid to an eligible part-time employee is 25% of his/her sick leave balance, not to exceed \$5,000. The remaining 75% of sick leave is forfeited.
- **Sick Leave (VSDP).** No sick leave payment is made under the Virginia Sickness and Disability Program (VSDP).
- **Disability Credit (VSDP) – *classified only*.** When leaving state service, any unused disability credits shall be paid. That is, full-time classified employees with at least five years of continuous service will be paid 25% of the balance of disability credits up to \$5,000. Eligible part-time classified employees with at least five years of continuous service will be paid 25% of the proportionate amount of disability credits to which they are entitled.
- **Holiday and Compensatory Leave.** An employee who changes from full-time to part-time status will have his/her balances transfer to his/her new status.

Full-Time to Part-Time for a Period of Three Months or Less (Classified and Faculty)

- Annual and Sick Leave.** If an employee changes from full-time to part-time employment for less than three months, the employee cannot be paid for the proportionate part of accrued annual leave, nor can the employee use the proportionate part, until he/she resumes full-time employment.

Change from Classified to Faculty

- **Annual Leave.** The employee may be paid for annual leave balances (up to the maximum allowable) or the balance may be transferred. Exception: If the new department or agency cannot accept the annual leave balance for business reasons, the employee will be paid up to the maximum allowable.
- **Sick Leave (Traditional).** Twenty-five percent of sick leave balances may be paid (if eligible and not to exceed \$5,000) and the remainder of the sick leave balance is forfeited.

The employee also has the option of transferring all sick leave balances. The employee must understand that if separation occurs as a faculty employee, no sick leave balances are paid at separation.

- **Sick Leave (VSDP).** No sick leave payment is made, and any balances must transfer if the employee remains in VRS and VSDP. If the employee opts to move into the VCU Optional Retirement Plan (ORP), no sick leave payment is made and any balances are forfeited.
- **Disability Credit (VSDP).** Classified staff who move to faculty status and choose one of VCU's ORP vendors to receive their retirement contributions will have 25% of their disability credits paid (if eligible), not to exceed \$5,000; and the remainder of their sick leave balance is forfeited. Classified staff who move to faculty status and choose to stay with VRS and VSDP will keep their disability credits.

Change from Faculty to Classified

- **Annual Leave.** The employee may be paid for annual leave balance (up to the maximum allowable) or the balance may be transferred. Exception: If the new department or agency cannot accept the annual leave balance for business reasons, the employee will be paid up to the maximum allowable. For faculty – if the department or agency will not accept the balances, refer to the faculty member's contract about the payout.
- **Sick Leave.** If the faculty member is in:
 - VRS and VSDP – sick leave balance transfers and he/she remains in VSDP.
 - VRS and the Traditional Sick Leave Plan (TSLP) – sick leave balances are forfeited and he/she is enrolled in VSDP as a classified employee.
 - ORP - sick leave balances are forfeited and he/she is enrolled in VSDP as a classified employee.

OVERTIME AND COMPENSATORY LEAVE

The provisions of the **Fair Labor Standards Act (FLSA)** cover all employees of the Commonwealth of Virginia. The FLSA establishes rules for minimum wage, overtime pay, equal pay, child labor, and record keeping; and it defines exemptions from overtime pay regulations. Determination is made on an individual basis as tested by VCU Human Resources.

- To receive compensation, an employee must be required and authorized by the manager to work additional hours. **Employees may not approve or authorize their own additional work hours.**

- University business operating procedures **prohibit tracking compensatory time “off the record.”**
 - **Non-exempt** employees must be compensated at time and one-half for all hours worked more than 40 in a workweek. A workweek is defined as 12:01 a.m. Sunday through midnight on the following Saturday. Leave time and holidays do not count as time worked.

NOTE: If an employee occasionally works seven additional minutes or less, the time will not be counted as additional hours worked. However, if an employee occasionally works more than seven minutes, but less than 15 minutes, this time will be rounded up to the next 15-minute increment and 15 minutes of additional work time will be counted. If early arrivals or late departures occur on a regular basis and/or multiple times during a workweek, actual minutes should be counted for the entire workweek. Remember: any additional time worked must be preapproved and failure to arrive and depart timely could result in formal disciplinary action if overtime is accrued without approval.

For all FLSA non-exempt employees, departments are required to maintain records showing the number of hours worked each workday and workweek. In addition, departments should also ensure that employee attendance tracking forms, software or online systems accurately record leave taken, including paid holidays and all overtime, in a timely manner. Non-exempt employees must certify the number of hours worked and supervisors must also signify acceptance of these reported hours.

- A non-exempt employee may request to waive cash payment in lieu of overtime leave.
 - The employee should seek the manager’s advance approval to work overtime. Under all circumstances, any verifiable hours worked beyond 40 must be paid or accrued at time and one-half.
 - The manager may adjust an employee’s schedule within a workweek to avoid or minimize payments. For example, if an employee works an extra four hours on Monday, the manager may reduce the employee’s work schedule on Friday by four hours so that the employee does not work more than 40 hours during that workweek. Each workweek stands alone in calculating regular and overtime hours worked.
 - Employees who transfer within VCU will be paid for their overtime leave unless the new department is willing to accept the financial liability.
 - Employees who transfer to another State agency will be paid for their overtime leave upon the transfer.
- **Exempt** employees are not ordinarily paid overtime, nor do they accrue additional leave. Managers should limit overtime compensation for exempt employees to special circumstances (e.g., for projects that require hours to be worked beyond normal schedules).
 - Typically, the manager chooses to pay overtime or to provide leave at the exempt employee’s regular rate. Exempt employees may be authorized for time and one half pay only to meet specific local labor market practices (e.g., Registered Nurses). Consult with VCU Human Resources to ensure that time and one-half rates are appropriate and that payroll systems are modified to pay this rate.