Commonwealth of Virginia
Office of the Governor

EXECUTIVE LEAVE POLICY

This policy is intended to establish uniformity and guidance regarding all purpose leave for Gubernatorial Appointees ("At-wills").

I. EMPLOYEES TO WHOM POLICY APPLIES

The following policy applies to all "At-will" employees who do not participate in the accrual leave system. "At-will" employees are defined as follows:

Employees of the Governor's and Cabinet Offices
Agency Head
Chief Deputy (Agency)
Confidential Assistant
Policy Assistant

II. LEAVE POLICY

All "At-will" employees shall receive 30 days of all purpose leave on January 15, of each calendar year, to be used by January 14, of the following year. The days shall be non-accruing, and will be prorated for "at-will" employees hired after March 31, of a particular calendar year. The 30 days of all purpose leave shall be prorated as follows:

Hire Date	Days
Jan 1 - March 31	30
April 1 - June 30	23
July 1- Sept 31	16
Oct 1 - Nov 30	6
Dec 1 - Dec 31	0

"At-will" employees enrolled in the Virginia Retirement System (VRS) program and the Virginia Sickness and Disability (VSDP) program shall also receive family/personal and sick leave hours pursuant to § 51.1-1100 of the Code of Virginia.

In part, the VSDP provides additional leave hours to eligible "At-will" employee as follows:

Months of Service	Type of Leave	Hours
Fewer than 120	Family/Personal	32
120 or more	Family/Personal	40
Fewer than 60	Sick	64
60 to 119	Sick	72
120 or more	Sick	80

III. CERTIFICATION OF USE

It is imperative that each "At-will" employee obtain, in advance, proper approval from their supervisor before using any leave. In addition, "At-will" employees must maintain accurate records regarding the number of days used within the allotted time period. All "At-will" employees must certify, in writing, that their established leave limit was not exceeded during the allotted time period. The employees should maintain a leave calendar to attach to the certification letter. The certification letter must be maintained by the agency's Human Resource Office, and should be available for review by the Auditor Public Accounts.

IV. LEAVE TRANSFER

If an "At-will" employee transfers to a different "At- will" position, in a different agency, and has a leave balance, the balance shall transfer to the new agency. A letter certifying that the balance is accurate should be included with official transfer documents.

If an "At-will" employee transfers to a classified position, and has a leave balance, the balance can not transfer. (See section VI – Leave Payout)

Generally, employees transferring from classified positions to "At-will" positions will not be allowed to transfer leave balances. Some situations will generate requests for exceptions. Any exception shall be directed to the Chief of Staff. The Chief of Staff is the only person who can approve exceptions.

V. LEAVE CARRYOVER

"At-will" employees participating in the executive leave program will not be allowed to carry over leave that is not used during the allotted time period (one calendar year, based on date of hire).

VI. LEAVE PAYOUT

"At-will' employees participating in the executive leave program, who separate from state government service, voluntarily or involuntarily, shall be paid for their documented unused leave balance up to a maximum of 15 days (120 hours). "At-will" employees will not be compensated for unused leave after December 24, 2021.

"At-will" employees participating in the executive leave program, who transfer to classified positions, shall be paid for their unused leave balance up to a maximum of 15 days (120 hours).

"At-will" employees participating in the accrual leave system shall be paid for their unused leave balances in accordance with established governing policy.

"At-will" employees participating in the executive leave program, who are terminated for performance or misconduct reasons could forfeit their payout for unused leave.

VII. MEDICAL LEAVE

Continuation of salary during medical leave beyond the appointee's available balance is subject to verification of the appointee's condition by the treating physician(s), and the approval of the Chief of Staff. "At-will" employees enrolled in the Optional Retirement Program (ORP) and participants in the Executive Leave Program are NOT eligible to participate in the Virginia Sickness & Disability Program (VSDP), and thus do not have long-term or short-term disability benefits.

VIII. TERM

This policy shall be in effect beginning January 15, 2018, and ending on January 14, 2022, unless otherwise amended or rescinded.

IX. POLICY EXCEPTIONS

Requests for exceptions to this policy must be directed to the Chief of Staff. Only the Chief of Staff can approve exceptions to this policy.

APPROVED:

Clark Mercer **Chief of Staff**	4/11/18 **Date**
Suzette Denslow **Deputy Chief of Staff**	4/11/18 **Date**

(Form) ELP -001

EXECUTIVE LEAVE POLICY

CERTIFICATE OF RECEIPT

I acknowledge that I have been briefed and given a copy of the executive leave policy, and I understand that it is my responsibility to read and abide by this policy.

_____	_____	_____
(Name – Please Print)	(Signature)	Date

_____	_____
Human Resource Officer	Date