

## LEAVE POLICIES – GENERAL PROVISIONS

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### OBJECTIVE

It is the Commonwealth's objective to establish uniform policies by which employees are permitted to take time off from work.

### I. EMPLOYEES TO WHOM POLICY APPLIES

The following policies apply to positions covered under the Virginia Personnel Act to include classified and restricted employees.

### II. LEAVE POLICIES

The following is a list of the leave policies:

Policy 4.05	Administrative Leave
Policy 4.10	Annual Leave
Policy 3.10	Compensatory Leave
Policy 4.15	Educational Leave
Policy 4.17	Emergency/Disaster Leave
Policy 4.20	Family and Medical Leave
Policy 4.35	Leave Sharing
Policy 4.37	Leave to Donate Bone Marrow or Organs
Policy 4.40	Leave to Provide Community Service
Policy 4.45	Leave Without Pay-Conditional/Unconditional
Policy 4.50	Military Leave
Policy 3.15	Overtime Leave
Policy 4.55	Sick Leave
Policy 4.57	Virginia Sickness and Disability Program Leave
Policy 4.60	Workers' Compensation

### III. APPROVAL OF LEAVES

#### A. Agency approval necessary for all leaves of absence

Before taking a leave of absence from work, whether with or without pay, employees should request and receive their agencies' approval of the desired leave.

#### B. Employee requests for leave

1. Procedure for requests
  - a. Employees should request leaves of absence as far in advance of the desired leave as practicable.
  - b. Employees also should submit requests for leaves of absence in accordance with the specific requirements set forth in the

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respective leave policies, and which may be set forth in their agencies' procedures for requesting leaves.

2. **Special circumstances**

If an employee could not have anticipated the need for a leave of absence, the employee should request approval for the leave as soon as possible after leave begins. In reviewing the request for approval, the agency should consider, among other things, the circumstances necessitating leave and whether the employee could have anticipated the need.

**C. Agency action on requests for leaves of absence**

1. When practicable, and for as long as the agency's operations are not affected adversely, an agency should attempt to approve an employee's request for a leave of absence for the time requested by the employee, except that compensatory and overtime leave may be scheduled by the agency at a time convenient to agency operations.
2. If the time requested for a leave of absence conflicts with agency operations, the agency has the discretion to approve the employee's request for an alternate time.

**D. Sufficient accrued leave**

1. Agencies may not approve paid leaves of absence to be taken in a pay period in which an employee does not have sufficient accrued leave to cover the absence.
2. Employees are responsible for knowing the amount of accrued leave to which they are entitled and that they have earned. Employees will be required to reimburse their agencies for time taken off from work if they did not have sufficient accrued leave to cover such time off. Reimbursement may be in the form of money or annual, sick, compensatory, or overtime leave.

**E. If agency denies request for leave of absence**

If an agency does not approve an employee's request for leave, but the employee still takes the requested time off from work, the employee may be subject to the actions listed below.

- the absence will be designated as unauthorized;
- the employee will not be paid for the time missed;
- because the employee has experienced Leave Without Pay, he or she will not accrue annual or traditional sick leave for the pay period(s) when the absence occurred; and
- the agency may also take disciplinary action under Policy 1.60, Standards of Conduct.

**IV. MAINTENANCE OF RECORDS RELATED TO LEAVES OF ABSENCE**

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**A. Records subject to audit**

Payment for leaves of absence is an expenditure of Commonwealth funds and, therefore, records related to employee leaves of absence are subject to audit by the Auditor of Public Accounts, the State Internal Auditor, and the agency's internal auditor.

**B. Requirements for records**

Agencies must maintain accurate and up-to-date leave records in sufficient detail that they can be evaluated during an audit by the agency's internal auditor, the State Internal Auditor, or the Auditor of Public Accounts.

**C. Recording date of termination and accrued leave**

1. Employee not on leave

The termination report of an employee not on leave shall state the termination date as the last day that the employee actually worked and shall include the amounts to be paid for accrued leave.

2. Employee on leave with pay

The termination report of an employee on leave with pay shall state the termination date as the last day that the employee was on paid leave.

3. Employee on leave without pay

The termination report of an employee on leave without pay who fails to return to state service shall state the termination date as the last day of leave without pay.

## V. TREATMENT OF ACCRUED LEAVE ON CHANGE OF STATUS

Upon certain changes in employment status, including an employee's termination from state service, an employee may receive payment for all or a portion of his or her accrued annual, sick, compensatory and/or overtime leave. For further information regarding treatment of leave balances, see the applicable sections of those policies.

## VI. AUTHORITY AND INTERPRETATION

This policy is issued by the Department of Human Resource Management pursuant to the authority provided in Virginia Code Section 2.2-1201. This policy supersedes Rule 10.1, Grants of Leave of Absence and Maintenance of Leave Records, and Rule 10.13(f), Disposition of Balances of Leave Credits on Change of Status or Death, of the Rules for the Administration of the Virginia Personnel Act, effective July 1, 1977.

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with section 2.2-1201(12) of the Code of Virginia. Questions regarding the application of this policy should be directed to the

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Department of Human Resource Management's Office of Agency Human Resource Services. The Department of Human Resource Management reserves the right to revise or eliminate this policy as necessary.