Title: Leave of Absence Without Pay
Code: GCBEA
Book: WJCC Policy Manual
Section G: Personnel

Employee's Debilitating or Life-Threatening Illness or Injury

A medical 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 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 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, and the 30 days of leave will run concurrently with available paid leave.

- To apply for a medical leave of absence, the employee must submit documentation to the Human Resources office for his/her need for leave. When possible, documentation must be provided 30 days prior to leave being taken.
- Approval must be obtained prior to leave being taken.
- The school board will continue to pay its portion of group health insurance and dental insurance premiums during the approved leave period for employees who had these benefits prior to going on the authorized leave. The employee is responsible for paying his/her share of such premiums.

No Virginia Retirement System (VRS) service credit will be received by eligible employees on leave without pay (LWOP) for more than five (5) days within a pay period. Employees with less than five (5) days of LWOP within a pay period will be responsible for making the full employee contribution based on normal monthly base pay.

Unpaid Educational Leave

The Williamsburg-James City County School Board approves unpaid educational leave for school board employees who are state employee association executive officers for a maximum of four years per officer. Additionally, up to two school board employees who are local employee association officers may be granted unpaid educational leave for a maximum of four years per officer. Employees may receive compensation from the relevant association while on the unpaid educational 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 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 or superintendent's designee.

Adopted:
8/19/08

Revised:
4/14/09, 8/11/15, 1/5/23 (retitled)

Legal References:
29 C.F.R. 825.216.
Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296

Cross References:
GCBD, Staff Leaves and Absences
GCBE, Family and Medical Leave (FMLA)
GCBEB, Military Leave and Benefits

Title: ~~Medical~~ Leave of Absence Without Pay
Code: GCBEA
Book: WJCC Policy Manual
Section G: Personnel

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Employees 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, and the 30 days of leave will run concurrently with available paid leave. ~~Leave may be taken only when the employee has no other leave (such as sick leave) available.~~

- To apply for a medical leave of absence, the employee must submit documentation to the Human Resources office for his/her need for leave. When possible, documentation must be provided 30 days prior to leave being taken.
- Approval must be obtained prior to leave being taken.
- The school board will continue to pay its portion of group health insurance and dental insurance premiums during the approved leave period for employees who had these benefits prior to going on the authorized leave. The employee is responsible for paying his/her share of such premiums.

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

No Virginia Retirement System (VRS) service credit will be received by eligible employee's on leave without pay (LWOP) for more than five (5) days within a pay period. Employees with less than five (5) days of LWOP within a pay period will be responsible for making the full employee contribution based on normal monthly base pay.

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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

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Adopted:
8/19/08

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4/14/09, 8/11/15, 1/5/23 (retitled)

Legal References:
29 C.F.R. 825.216.
Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296

Cross References:
GCBD, Staff Leaves and Absences
GCBE, Family and Medical Leave (FMLA)
GCBEB, Military Leave and Benefits

Additional Resources

GCBD - Staff Leaves and Absences
GCBE - Family and Medical Leave (FMLA)
GCBEB, Military Leave and Benefits
29 C.F.R. § 825.216 Limitations on an employee's right to reinstatement.
§ 22.1-78. Bylaws and regulations.
§ 22.1-296. Payment of employees; reimbursement for private transportation; certain sick leave policies.