



PITTSYLVANIA COUNTY SCHOOLS

P. O. Box 232, 39 Bank Street, SE, Chatham, VA 24531

Dr. Mark R. Jones
Division Superintendent

A-22/20-21

July 7, 2020

TO: All PCS Employees

FROM: Mark R. Jones, Division Superintendent
Steven D. Mayhew, Assistant Superintendent for Administration

SUBJECT: Personnel Guidelines for the Reopening of Schools for the 2020-2021 School Year

The health and safety of Pittsylvania County Schools' employees is important to us. Toward that end, we have taken steps and will continue to take necessary steps to minimize potential risks associated with the current COVID-19 pandemic. Federal and State guidelines continue to evolve, and we will continue our efforts to maintain up-to-date policies and procedures. However, the scope and course of the virus is uncertain, and it is impossible to eliminate all risk. Division staff have collaborated with the Virginia Department of Health (VDH) to plan and implement appropriate procedures that are in compliance with current guidelines from the Centers for Disease Control and Prevention (CDC) and the Virginia Department of Education (VDOE). In the event that the Virginia Department of Labor and Industry issues new regulations or standards for the workplace, Pittsylvania County Schools will take the necessary steps to comply in an effort to provide a workplace that remains as safe as reasonably practical when it comes to mitigating the transmission of the virus. Pittsylvania County Schools is an educational institution first and foremost. Therefore, the desire of the school division is to work toward opening schools in the most traditional format that is safely possible. In fact, recently the American Academy of Pediatrics recommended that students be "physically present in schools" as much as possible. Therefore, as we plan for school reopening in the Fall, this memorandum will be utilized as guidance for personnel matters.

General Information

- Employees will be expected to work and/or return to work under the provisions of their respective contract/salary agreement for the 2020-2021 school year.
- Employees should continue to take appropriate precautions based on current CDC and VDH guidelines which include but are not limited to the following: practicing social distancing, implementing proper hand washing, wearing face masks/coverings, and monitoring symptoms appropriately.
- Employees who report to work and are symptomatic, or who begin to show symptoms during the workday, will be sent home and appropriate leave procedures will apply.
- An employee who develops symptoms associated with COVID-19, who tests positive for COVID-19, or who has been exposed to someone who is known to be positive for COVID-19 within the past 14 days, must timely report these facts to his/her principal/supervisor and not come to work until authorized to do so. "To be exposed" refers to any person who lives in the same household with the employee or anyone else with whom the employee has had close contact (within six feet for at least 15 minutes in the past 14 days).

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- Requests for reasonable accommodations under the Americans with Disabilities Act (ADA) will be reviewed and processed accordingly.
- Requests for employee leave will be reviewed in accordance with School Board Policy and the Family First Coronavirus Response Act (FFCRA) for employees. The FFCRA is effective from April 1, 2020, through December 31, 2020. Leave entitlements under the provisions of the FFCRA are *in addition* to any job-protected leave entitlements (i.e., sick leave, personal leave, annual leave, or leave without pay). For more information, please see the attached documents relative to requests for leave under the FFCRA.
- The school division will endeavor to take actions in terms of responding to COVID-19 exposure/infection based on the recommendations of the VDH and current CDC guidelines. As safety precautions and guidance change, employees are expected to comply with all such changes.

We hope that you and your families continue to be safe and well. We are looking forward to the reopening of school as we continue to finalize plans. Please contact your principal/supervisor regarding any questions. If additional guidance is needed, please contact the Human Resources Department.

Attachments

PCS Request for Leave Pursuant to Families First Coronavirus Response Act (FFCRA) Guidelines

The Families First Coronavirus Response Act (FFCRA) provides eligible employees paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions apply from April 1, 2020, through December 31, 2020.

Qualifying Reasons for Leave Related to COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. Is subject to a Federal, State or local quarantine or isolation order related to COVID-19;
2. Has been advised by a health care provider to self-quarantine related to COVID-19;
3. Is experiencing COVID-19 symptoms and is seeking medical diagnosis;
4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Is caring for his/her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health & Human Services.

Duration of Leave

- For above reasons (1)-(4) and (6): An employee is eligible for up to 80 hours of paid leave.
- For above reason (5): An employee who has been employed for 30 days is eligible for up to 12 weeks of leave. The first two weeks of such leave are unpaid, but an employee may use accrued paid leave during that two week period.

Calculation of Pay

- For above leave reasons (1), (2), or (3): Employees taking leave shall be paid at either their regular rate or the applicable minimum wage, whichever is higher up to \$511 per day.
- For above leave reasons (4), (5), or (6): Employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day.

Please complete the back of the form in its entirety, provide the requested documentation if applicable, and submit to your principal/supervisor. The principal/supervisor should submit this form to the Human Resources Department.

Updated 7/7/2020

Employee Name: _____ Employee ID: _____

Requested Dates of Leave: _____

Please check the Qualifying Reason that is applicable:

_____ Employee is subject to a Federal, State or local quarantine or isolation order related to COVID-19. Please provide name of the government entity that has issued the quarantine or isolation order.

_____ Employee has been advised by health care provider to quarantine due to concerns related to COVID-19. Please provide name and contact information of the health care provider making the quarantine recommendation, the date of the provider’s advice, and a doctor’s note.

_____ Employee is experiencing symptoms of COVID-19 and seeking a diagnosis. Please provide name and contact information of the health care provider making the quarantine recommendation, the date of the recommendation, and a doctor’s note.

_____ Employee is caring for an individual who is subject to a quarantine order or has been advised as above. Please provide the name of the individual and the relation.

_____ Employee is caring for a son or daughter if the school/daycare has closed or is unavailable due to COVID-19. Please provide name and age of child/children and the school, place of care, or child care provider that is closed due to COVID-19. If the child/children is over the age of 14, please provide the special circumstances that exist requiring you to provide care.

Do you represent that no other suitable individual is available to care for your child/children during the requested period of leave?
_____ YES _____ NO

_____ Employee is experiencing any other substantially-similar condition specified by the U.S. Department of Health & Human Services.

By signing below, I attest that I am unable to work (including telework) for the requested dates due to the selected reason.

Employee Signature

Date

By signature below, I have reviewed this request.

Principal/Supervisor Signature

Date

-----**FOR HUMAN RESOURCES DEPARTMENT COMPLETION**-----

Assistant Superintendent for Administration Signature

Date

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



WH1422 REV 03/20



Book	Pittsylvania County Schools Policies and Regulations
Section	G - Personnel
Title	GCBD-PC - Professional Staff Leaves and Absences
Code	GCBD-PC
Status	Active
Adopted	April 8, 1997
Last Revised	May 12, 2020

FILE: GCBD-PC
PROFESSIONAL STAFF LEAVES AND ABSENCES

Absences

Any teacher who is absent from duty will be responsible for providing lesson plans in such detail that the substitute will be able to follow instructions for such day(s).

Full-Time Personnel

Each employee, except those eligible for annual leave, is allowed three (3) days personal leave per school session without loss of pay. Employees claiming these days must have approval by their immediate superior prior to leave being granted.

Personnel may accumulate three (3) personal leave days. An employee cannot claim any portion of earned personal leave unless he or she has actually reported for duty for the regular school term in accordance with the terms of the employee's contract.

At the end of each school session, any earned personal leave days for that school year that are not used will be added to the employee's accumulated personal leave. Any days remaining after accumulating three (3) days will be added to the employee's accumulated sick leave.

All accumulated personal leave shall terminate, except as defined below, upon the expiration of employment. At retirement date, accumulated personal leave will be added to the employee's accumulated sick leave.

Requests for personal leave must be received by the employee's immediate superior at least three work days prior to the leave day except in emergency situations.

Principals must use discretion in allowing personal leave to ensure that the school program is not detrimentally affected by an excessive number of absentees in any one day. If some leave requests must be denied, leave requests with earliest application date should be given priority.

Personal leave days will not be granted on the following days:

- a. First and last days of the 200 day contract.
- b. First and last teaching days of the semester.
- c. Last day before and first day after any break in the school calendar.

In the event of extenuating circumstances involving a, b, or c above, the Superintendent or his designee will review the request.

Jury Leave - In situations when school personnel are required to perform jury duty, they will be paid their regular salary for that day, less the amount they receive for jury duty.

Professional Leave - Teachers will be paid their regular salary when they are performing professional/in-service duties for the school division during a regular teaching day. (This would involve delegates to educational meetings with prior approval of the Superintendent or his designee.)

National Guard/Reserve Duty - All employees "who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the Governor pursuant to the provisions of Virginia State Code 44-75.1 or 44-78.1. There shall be no loss of pay during such leaves of absence, except paid leaves of absence for federally funded military duty, to include training duty, shall not exceed fifteen workdays per federal fiscal year, and except that no officers or employees shall receive paid leave for more than fifteen workdays per federally funded tour of active military duty. When relieved from such duty, they shall be restored to positions held by them when ordered to duty." A verification of such leave from the military must be submitted to the Human Resources Office.

Court Appearance - Employees will be allowed professional leave and paid their regular salary when they are required to appear in court for reasons determined to be directly related to the employee's professional job responsibilities. The employee shall request approval of this leave from the employee's principal/supervisor. The principal/supervisor will request final approval of such leave on behalf of the employee to the Superintendent or superintendent's designee. Appropriate documentation (i.e. subpoena, etc.) must be provided.

All other absences not covered in the foregoing statements, the annual leave plan and the sick leave plan, will be considered "unexcused absences", and the full salary will be deducted. Leave time will not be allowed for less than one-half (1/2) day.

In the event of an emergency, exceptions to these regulations may be granted by the Division Superintendent with the approval of the School Board.

Part-Time Personnel

Part-time personnel will have access to all leave time allowed a full-time employee on a pro-rated basis. Example: A teacher employed to teach 1/2 day for the school term will have access to three 1/2 days of personal leave. The teacher would accrue sick leave at the rate of 1/2 day per month and could accrue up to ten 1/2 days per year, etc.

LEAVE OF ABSENCE WITHOUT PAY

Personnel Covered

This policy shall apply to all full-time employees that have completed five years of continuous service in the Pittsylvania County School System.

Definition

A leave of absence, without pay, may be granted to employees of the Pittsylvania County School Board upon the recommendation of the Division Superintendent with approval by the School Board. Leaves of absence may be granted for additional study, educational travel, personal illness, or rest and recuperation.

Credit on Salary Schedule

Time spent on leave of absence is not considered to be a period of service for the purpose of determining placement on the salary schedule.

Group Insurance

Group insurance plans maintained by the School Board may be kept in effect for a period not to exceed six months due to illness or injury or 12 weeks due to leave of absence or temporary layoff. After this time,

COBRA will be offered, if the person so affected assumes the responsibility for payment of the insurance premiums.

Return From Leave

Approval of the request for leave of absence assures an employee that at the expiration of the leave, the employee will be assigned in the division to a position similar to that held prior to taking leave as considered appropriate by the Superintendent and that re-employment will be with full rights and privileges to which the individual was entitled and qualified at the time the leave became effective. If two or more employees are eligible for the same position, the one with longest longevity in the division shall receive first consideration. An employee who is granted a leave of absence shall notify the Superintendent in writing prior to April 15 of his/her intent to return to active employment.

In the event of reduction-in-force, etc., employees returning from professional leave would be assigned under the same rules or regulations as all other employees. This policy shall in no way infringe upon the rights and responsibilities of the Superintendent in the assignment of personnel as prescribed by Virginia School Law.

Application

Application for leave of absence must be addressed to the Division Superintendent and shall state the reason for the request, the period of time (not to exceed one [1] year) for which leave is desired, and the intention of the applicant to resume employment in this school division at the conclusion of the leave of absence. Requests must be in the Superintendent's office prior to April 15 preceding the leave except in extenuating circumstances.

The Superintendent shall use discretion in allowing leave to ensure that the school program is not detrimentally affected by an excessive number of leaves in one area of certification or job classification. If some leave requests must be denied, leave requests with the earliest application date should be given priority.

Adoption Leave

An employee adopting a child shall be entitled, upon request to the Division Superintendent, to five (5) days of leave with benefits. This leave shall be a combination of the three (3) days Annual Personal Leave and two (2) days of Adoption Leave.

In the event that both parents are employed by the school system, the two (2) day Adoption Leave shall be granted to only one parent.

SHORT-TERM LEAVE WITHOUT PAY

Personnel Covered

This policy shall apply to all employees in the Pittsylvania County School System.

Definition

A short-term leave, without pay, may be granted to an employee of the Pittsylvania County School Board upon the recommendation of the employee's principal or immediate supervisor and approval by the Superintendent or his designee. A short term leave without pay would be for periods of time less than twenty (20) days. A written request for short-term leave without pay must be received by the employee's principal or immediate supervisor at least three (3) working days prior to the leave day except in emergency situations. The request would be forwarded to the Superintendent or designee for approval.

Leave time will not be allowed for less than one-half (1/2) day.

ADOPTED: April 8, 1997

REVISED:
June 11, 2002

August 12, 2003

July 10, 2012

June 11, 2019

May 20, 2020

Legal Refs.:

Code of Virginia, 1950, as amended, 22.1-78

Cross Refs.:

GCBE-PC, Family and Medical Leave

GCBEA, Leave Without Pay

GCBEB-PC, Military Leave and Benefits

GCQA, Non-school Employment by Staff Members



Book	Pittsylvania County Schools Policies and Regulations
Section	G - Personnel
Title	GCBE-PC - Family and Medical Leave
Code	GCBE-PC
Status	Active
Adopted	June 9, 1998
Last Revised	June 14, 2016

FILE: GCBE-PC
FAMILY AND MEDICAL LEAVE

Generally

The Pittsylvania County School Board recognizes its obligation to provide its eligible employees with unpaid leave pursuant to the Family and Medical Leave Act, 29 U.S.C. §2601, et. seq. This policy describes the benefits available to eligible employees under the Act.

Definitions

Covered active duty: The Term covered "active duty" means

- in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

Covered servicemember: The term "covered servicemember" means

- a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a veteran who is undergoing medial treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Eligible employee: To be eligible for leave under this policy, the employee must have a least twelve (12) months of service with the Pittsylvania County School Division and have worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. §201 et. seq., in the twelve (12) months preceding the commencement of the leave. Full-time teachers are deemed to meet the 1250 hour test.

Instructional employee: Employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting such as teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, or auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

Next of kin: The term "next of kin" used with respect to an individual, means the nearest blood relative of that individual other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative to purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

Outpatient status: The term "outpatient status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to

- A. a military medical treatment facility as an outpatient; or
- B. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Serious health condition: A serious health condition is an illness, injury or impairment or condition that involves inpatient care or continuing treatment by a health care provider.

Serious injury or illness: The term "serious injury or illness," in the case of a

- member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and
- a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period described in 29 U.S.C. §2611(15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Year: A rolling 12-month period measured backward from the date an employee uses an FMLA leave.

Leave

Any eligible employee is entitled to leave for a combined total of twelve (12) weeks per school calendar year (July 1 – June 30) for the following situations:

1. the birth and care of a child;
2. the adoption or foster placement of a child;
3. to care for an employee's spouse, parent or child with a serious health condition; and
4. because of the serious health condition that makes the employee unable to perform the essential functions of the employee's job; and
5. Because of any qualifying exigency as defined in Department of Labor regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

However, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember is entitled to a total of 26 workweeks of leave per year to care for the servicemember. Leave under this paragraph is available only during a single year. During that year the employee is entitled to a combined total of 26 workweeks of leave under this policy.

To the extent that an employee is entitled to compensated leave under other Pittsylvania County School Division policies, such paid leave shall be substituted for unpaid FMLA leave. Otherwise, family and medical leave is unpaid. When paid leave is available, the employee must satisfy any procedural requirements of the division's paid leave policy.

Employees on FMLA leave must report their status and intention regarding returning to work to the school division at least every four weeks.

Notice to Employees of Their Rights under the FMLA

Posting and General Notice

The Pittsylvania County School Division shall post, in conspicuous places, on the premises of the school division where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor.

A copy of the Employee Rights and Responsibilities Under the Family and Medical Leave Act will be given to each employee by inclusion in the Employee Handbook upon hiring.

An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the division to determine whether the leave is FMLA-qualifying. If the employee fails to explain the reasons, leave may be denied.

Leave for the Birth, Adoption or Foster Placement of a Child

The employee's entitlement to leave for a birth, adoption or foster placement of a child expires at the end of the twelve month period beginning on the date of the birth, adoption or foster placement. Leave taken for the birth, adoption or foster placement of a child may be taken intermittently or on a reduced leave schedule if the superintendent agrees to such an arrangement.

If the necessity for leave for the birth, adoption or foster placement of a child is foreseeable based on an expected birth or placement, the employee shall provide the school division with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

Leave Because of a Serious Health Condition of Employee

Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided below.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
2. provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The School Board shall require that a request for leave because of the employee's own serious health condition be supported by a certification issued by a health care provider of the employee. The employee shall provide a copy of such certification to the school division in a timely manner.

Certification will be sufficient if it states -

1. the name, address, telephone number and fax number of the health care provider and the type of medical practice/specialization;
2. the date on which the serious health condition commenced and its probable duration;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition; and
4. a statement that the employee is unable to perform the functions of his or her position.

If FMLA leave is to be taken on an intermittent or reduced leave schedule for planned medical treatment of his or her serious medical condition, the certification shall include the dates on which such treatment is expected to be given and the duration of such treatment and any period of recovery.

If an employee requests leave on an intermittent or reduced leave schedule because of his or her own serious health condition that may result in unforeseeable episodes of incapacity, the certification shall include information sufficient to establish the medical necessity for the intermittent leave or leave on a reduced leave schedule, and an estimate of the frequency and duration of the episodes of incapacity.

If the employee submits a complete and sufficient certification signed by the health care provider, the division may not request additional information from the health care provider. However, the division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such

contact, the division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee's direct supervisor may not contact the employee's health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning information certified. The opinion of the third health care provider will be binding on both the school division and the employee.

Leave Because of a Serious Health Condition of a Child, Spouse, or Parent of Employee

Family and medical leave shall be provided when the employee is needed to care for his/her spouse, child or parent with a serious health condition, as defined above.

Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided under definitions in this policy.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
2. provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The School Board may require that a request for leave to care for an employee's spouse, parent, or child with a serious health condition be supported by a certification issued by a health care provider of the employee, or family member in need of care. The employee shall provide, in a timely manner, a copy of such certification to the school division.

Certification will be sufficient if it states -

1. the name, address, telephone number and fax number of the health care provider and the type of medical practice/specialization;
2. the date on which the serious health condition commenced and its probable duration;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition; and
4. that the employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that the employee is needed to care for the family member.

If FMLA leave is to be taken on an intermittent or reduced leave schedule for planned medical treatment of a family member's serious health condition, the certification shall include the dates on which such treatment is expected to be given and the duration of such treatment and any periods of recovery.

If an employee requests leave on an intermittent or reduced leave schedule in order to care for a family member with a serious health condition, the certification shall include a statement that the employee's intermittent leave or reduced leave schedule is medically necessary for the care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

If the employee submits a complete and sufficient certification signed by the health care provider, the division may not request additional information from the health care provider. However, the division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such contact, the division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee's direct supervisor may not contact the employee's health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning information certified. The opinion of the third health care provider will be binding on both the school division and the employee.

Leave to Care for a Covered servicemember

If the necessity for leave is foreseeable based on planned medical treatment for a serious injury or illness of a covered servicemember, the employee shall

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
2. provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The School Board may require that a request for leave to care for a covered servicemember with serious injury or illness be supported by a certification issued by the health care provider of the covered service person. The employee shall provide, in a timely manner, a copy of such certification to the school division.

Certification will be sufficient if it states

1. the name, address, and appropriate contact information (telephone number, fax number, and/or e-mail address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following: a (DOD) health care provider, a United States Department of Veterans Affairs (VA) health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized health care provider or a health care provider as defined in 29 C.F. R. 825.125;
2. the date on which the serious health condition or serious injury or illness commenced or was aggravated and its probable duration;
3. the probable duration of the condition; and
4. the appropriate medical facts within the knowledge of the health care provider regarding the condition.

If an employee requests FMLA leave on an intermittent or reduced leave schedule for planned medical treatment appointments for the covered servicemember, the certification must state that there is a medical necessity for the covered servicemember to have such periodic care and must contain an estimate of the treatment schedule of such appointments.

If an employee requests FMLA leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment, the certification must contain a statement that there is a medical necessity for the covered servicemember to have such periodic care and must contain an estimate of the frequency and duration of the periodic care.

The division will accept invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, the employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis.

The information on the certification must relate only to the serious injury or illness for which the current need for leave exists. The division may seek authentication or clarification of the certification, ITO or ITA but may not seek second or third opinions.

The division may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The division will also accept as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Leave Related to a Qualifying Exigency arising from Covered Active Duty or a Call to Covered Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to covered active duty is foreseeable, the employee shall give such notice to the school division as is reasonable and practicable.

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member, the division may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service. A copy of new active duty orders or other documentation issued by the military shall be provided to the division if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member.

A request for leave because of a qualifying exigency must be supported by

1. a statement or description signed by the employee of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave;
2. the approximate date on which the qualifying exigency commenced or will commence;
3. the beginning and ending dates of absence if the employee requests leave because of a qualifying exigency for a single, continuous period of time;
4. an estimate of the frequency and duration of the qualifying exigency if the employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis;
5. if the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting and a brief description of the purpose of the meeting; and
6. if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

Rules for Intermittent and Reduced Schedule Leave

When permitted by the FMLA, intermittent and reduced schedule leave may be used until the aggregate amount of such leave equals twelve weeks or 26 weeks if the leave is taken to care for a covered servicemember in the employee's rolling year. However, when the employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment the school division may temporarily transfer the employee to an available alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced schedule leave.

When an eligible employee employed principally in an instructional capacity requests leave to care for a family member with a serious health condition, leave because of the employee's own serious health condition, or leave to care for a covered servicemember and the leave is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the school division may require the employee to elect either

1. to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
2. to transfer temporarily to an available alternative position offered by the school division for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular employment position.

The school division may require an employee to make such an election when the employee has

1. made a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division, subject to the approval of the health care provider; and
2. has provided the division with not less than 30 days' notice before the date the leave is to begin, of the employee's intention to take leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as it practicable.

Rules for Husband and Wife Employed by Pittsylvania County School Division

A husband and wife who are both eligible for family and medical leave and are employed by Pittsylvania County School Division shall be granted family and medical leave only for a combined total of twelve weeks per year when the leave is taken for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition.

A husband and wife who are both eligible for family and medical leave and are employed by Pittsylvania County School Division shall be granted family and medical leave only for a combined total of 26 workweeks per year if the leave

1. is taken to care for a covered servicemember; or
2. is taken as a combination of leave to care for a covered servicemember and leave for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition. However, if the leave taken by the husband and wife includes leave for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption or foster placement or to care for a parent with a serious health condition, the leave for that reason shall be limited to 12 workweeks per year.

Benefits During Family and Medical Leave

Employees on family and medical leave shall receive the group health insurance plan coverage on the same conditions as coverage would have been provided if the employee had been working during the period of leave. Other benefits shall be provided according to Pittsylvania County School Division policy for paid or unpaid leave, whichever applies.

If the employee fails to return to work when the period of leave to which he or she is entitled expires for any reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave, or other circumstances beyond the employee's control, the school division may recover the premium it paid for maintaining the employee's coverage during the period of unpaid leave in accordance with federal law.

Return to Work

An employee on family and medical leave shall provide the division at least two work days' notice of the intent to return to work. The employee shall be returned to the same or equivalent position at the end of the family and medical leave unless the division shows that the employee would not otherwise have been employed at the time reinstatement is requested.

The following return to work provisions apply to instructional employees:

1. If an instructional employee begins family and medical leave more than five (5) weeks before the end of an academic term, the employee may be required to continue taking leave until the end of the term if the leave is at least three (3) weeks in duration and the return to work would occur during the last three (3) weeks of the academic term.
2. If an instructional employee begins family and medical leave a) because of the birth, adoption, or foster care placement of a son or daughter of the employee, b) to care for a family member with a serious health condition, or c) to care for a covered servicemember during the five (5) week period before the end of an academic term, the employee may be required to continue taking leave until the end of the academic term if the leave is longer than two (2) weeks in duration and the return to work would occur during the last two (2) weeks of the academic term.
3. If an instructional employee begins family and medical leave a) because of the birth, adoption, or foster care placement of a son or daughter of the employee, b) to care for a family member with a serious health condition, or c) to care for a covered servicemember during the three (3) week period before the end of an academic term, the employee may be required to continue taking leave until the end of an academic term if the leave is longer than five (5) working days in duration.

If an instructional employee is required to continue leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be counted against the family and medical leave entitlement. However, the division must continue the group health insurance coverage under the same conditions as if the employee were working.

Outside Employment

An employee who is on family and medical leave may not engage in employment for any other employer or self-employment while on leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline which may include termination from employment.

ADOPTED: June 9, 1998

REVISED:
 August 14, 2007
 May 13, 2008
 August 11, 2009
 July 13, 2010

February 12, 2014
June 14, 2016

Legal Ref.:

29 U.S.C. §§ 207, 2611, 2612, 2613, 2614, 2618, 2619.

29 CFR 825.110, 825.115, 825.122, 825.124, 825.125, 825.200, 825.203, 825.207, 825.300, 825.301, 825.302, 825.303, 825.305, 825.306, 825.307, 825.309, 825.310, 825.311, 825.312, 825.600, 825.602, 825.603, 825.800.

Cross Refs.:

GCBD-PC, Professional Staff Leaves and Absences

GDBD-PC, Support Staff Leaves and Absences

GCBEA, Leave Without Pay

GCQA-PC, Nonschool Employment by Staff Members

PLEASE DATE UPON
RECEIPT:

Personnel _____
Payroll _____

LEAVE OF ABSENCE REQUEST FORM

July 2020

NAME

EMPLOYEE NO. OR SS#

SCHOOL/POSITION

I am requesting a leave of absence for the following dates:

A physician's statement must be submitted for verification of medical leave of absence.

I request to use the following accumulated leave:

- Will use accrued sick leave benefits
(no. of sick days used _____)
- Will use accrued personal/annual leave benefits
(no. of personal days used _____)
- Will take leave without pay

Signature of Employee

Date

To be completed by Human Resources:

Physician's statement received:

Yes Date Received _____

Date

Signature, Assistant Superintendent for Administration