New Professionals and Professional Faculty Leave FAQ

This FAQs document includes common questions and answers about the leave types offered to professional and professional faculty.

The FAQs are simply a starting point. If you need additional information, please contact the William and Mary Human Resources Office at 757-221-3169 or make an appointment and come visit us in Bell Hall at 109 Cary Street.

Holidays

- What holidays do I get as a professional employee or professional faculty member?

  The Commonwealth of Virginia provides twelve (12) paid holidays each year. William & Mary observes eight (8) of these holidays:

  New Year’s Day        Martin Luther King Jr. Day   Memorial Day
  Independence Day      Labor Day                   Thanksgiving Day
  The Day after Thanksgiving  Christmas Day

  The remaining four (4) holidays (Lee-Jackson Day, George Washington Day, Columbus Day and Veterans Day) are normally taken between Christmas and New Year’s Day.

  Note: In order to be paid for a holiday, an employee must work or be on paid leave the day before and the day after the holiday. Any employee who is on leave without pay the day before and/or the day after the holiday will not be paid for that holiday.

Annual Leave

- What can I use annual leave for?
  Annual leave may be used for any reason including vacation or to cover other insufficient leave balances

- How many hours do I accrue? Does this amount ever increase?
  New professionals and professional faculty members accrue 8 hours each pay period.

- Do I need approval from my supervisor to take annual leave?
  Yes, you must get prior approval from your supervisor in order to take annual leave.
What happens if I do not use all of my annual leave during the leave year?
If you do not use all of your annual leave during the leave year, you may accumulate leave up to 240 hours. The leave year begins on January 10th of a given year and ends on January 9th of the following year.

Can I be paid for unused annual leave if I leave the William & Mary or retire?
Yes, any unused annual leave, up to 240 hours, can be paid to you following your separation from William & Mary due to resignation or retirement. Leave payoffs are subject to completion of an employee clearance form.

Sick Leave

What sick leave plan do I participate in as a professional or professional faculty?
Professional and professional faculty in unrestricted positions have a choice between two sick leave plans: the University Sick and Disability Leave Plan (University plan) and the Virginia Sickness and Disability Program (VSDP). The choice of leave plans is directly linked to the retirement plan that you choose. If you choose the Optional Retirement Plan (ORP), then you will automatically be enrolled in the University plan. However, if you choose the Virginia Retirement System Hybrid Plan, you will have the choice between the University Plan and VSDP. A comparison of the University plan and VSDP can be found in the Appendix. For complete information regarding the professional and professional faculty sick leave plan, please visit http://www.wm.edu/sites/proffaculty/policies/ppfhandbook/index.php.

Note: Employees in restricted positions are not eligible for the University plan and are only eligible for VSDP if they enroll in the Virginia Retirement System Hybrid Plan.

How is sick leave used?
Under the University plan, you may use your sick leave for:

- Your own illnesses or medical appointments;
- Care for an ill or injured family member (“family care”); 
- Care for your child, including a step-child, under the age of one without regard to illness or injury (“infant care”); and
- Care for your newly-adopted child under the age of seven during the first year of adoption without regard to illness or injury (“newly-adopted child care”).

Under VSDP, you may use your sick leave for only your own illnesses or medical appointments.
How many hours of sick leave do I receive?
If you are enrolled in the University plan, you receive up to 120 calendar days of sick leave. If you are enrolled in VSDP, you receive between 8 and 10 days per year depending on the length of your State service.

How do I track University sick leave hours taken? What about VSDP sick leave hours?
Sick leave hours under both the University plan and VSDP are tracked in Banner by the employee. Employees covered by the University plan begin tracking their hours in Banner following 10 cumulative working days (e.g., on the 11\textsuperscript{th} working day using sick leave, the employee would record 88 hours of sick leave used). Employees covered by VSDP must record their sick leave during the pay period in which it is used.

Do my unused sick leave hours roll over each year?
If you are enrolled in the University plan and have used any portion of your sick leave, you will receive an allotment of up to 30 days, beginning with the new contract year, not to exceed at total of 120 calendar days. If you are enrolled in VSDP, you will receive an allotment of between 8 and 10 days on January 10\textsuperscript{th} of each year depending on the length of your State service. Previous unused sick leave does not roll over to the next year.

Family and Personal Leave

Do I have family and personal leave?
If you are participating in VSDP, you will be allotted between 4 and 5 days on January 10\textsuperscript{th} of each year depending on your length of State service. Participants in the University plan do not receive family and personal leave.

How is family and personal leave used?
Family and personal leave is for use if a family member is ill, injured or has a doctor's appointment. It can also be used for any reason including vacation, death of a family member, or to cover insufficient balances of another leave type.

How many hours of family and personal leave do I receive?
Family and personal leave is allotted each January 10\textsuperscript{th} and the number of hours allotted is based on the length of state service as outlined in the chart below.
- **Months of Service**
  - Less than 60: 32.00 hours
  - 60 to 119: 32.00 hours
  - 120 or more: 40.00 hours

- **Do my unused family and personal leave hours roll over each year?**
  No, family and personal leave hours must be used during the leave year in which they are allotted. At the beginning of the subsequent leave year, a new allotment of sick leave hours are applied to your family and personal leave balance not to exceed the hours listed above.

**Compensatory Leave**

- **What is compensatory leave and how do I earn it?**
  Compensatory leave is earned hour-for-hour when an employee is required to work on a scheduled holiday or when William & Mary is officially closed due to inclement weather. In these instances, the employee is paid for the hours worked plus he or she receives one hour of compensatory leave for each hour worked. Compensatory leave is recorded on the employee’s timesheet at the time that it is earned. It may be used in lieu of annual or sick leave and must be used within 12 months of the date it is earned or it will lapse.

**Military Leave**

- **I am an active or reserve military member. Is there any leave available to me if I receive orders?**
  Yes, employees who are called to active military service are eligible to take up to 15 workdays in a federal fiscal year (October 1 – September 30) for military training duty. A copy of the orders must be attached to the leave form.

**Administrative Leave**

- **What is administrative leave and how is it used?**
  Administrative leave is available to employees for their use when attending various work-related or civic activities including:
  - Serving on a jury;
  - Appearing in court as a witness under subpoena;
  - Accompanying a minor child to court;
o Attempting to resolve work-related problems;
o Attending a work-related hearing;
o Interviewing for a state position; and
o Serving on councils, commissions, boards or committees created by the General Assembly.

Documentation (summons, subpoena, letter from State agency verifying interview, approval from the Chief Human Resources Officer for resolution of work-related problems, or any other documentation verifying compliance with this leave policy) must be provided to your supervisor in order for him or her to verify that the absence qualifies for the use of administrative leave.

To use administrative leave for jury duty, an employee must surrender the jury duty pay to his or her supervisor, who will then submit it to the Bursar’s Office. If an employee chooses to keep the jury duty pay, then he or she must use another type of leave for their absence from work. **If an employee serves on a Virginia Circuit Court jury, then he or she may keep the jury duty pay and use administrative leave for the absence from work.**

Community Service Leave

- **How is community service leave used and how much do I accrue each year?**
  Employees are allotted 16 hours of community service leave each leave year to provide service within their communities through school assistance or as a volunteer member of a community service organization.

  For school assistance, employees may attend school-related functions/meetings with teachers of their preschool, elementary, middle, or high school-aged children. Alternatively, employees may perform school approved volunteer work to assist any public preschool, elementary, middle, or high school.

  Employees may also volunteer with a charitable organization that provides assistance to those in need in the employee’s community. Employees who volunteer in their community as fire fighters or rescue squad members are eligible for up to 24 hours of community service leave each leave year.

Leave for Organ or Bone Marrow Donation

- **I would like to donate an organ/bone marrow. Can I receive leave for that?**
  Yes, employees who are not on probation may receive up to 30 days of leave to donate an organ or bone marrow. Medical certification is required for approval. This leave is not covered by the Family Medical Leave Act (FMLA) or the Virginia Sickness and Disability Program (VSDP).
What happens if I experience medical complications after my organ or bone marrow donation?
If medical complications arise, you would then apply for short-term disability under either the University plan or VSDP.

Short-term Disability

If I am ill or injured and cannot work, am I eligible for any type of disability coverage?
Participants in the University plan will use their 120 calendar days of sick leave in the event that they are ill or injured and cannot work. This sick leave is paid at 100% of the pre-disability salary. Note: FMLA runs concurrently with the University plan.

Participants in VSDP receive income protection if he or she is ill or injured and cannot work. The amount of income protection is based on the length of State service and is illustrated in the table below. To be eligible, employees must have worked in a benefit-eligible position for at least 12 consecutive months. Note: FMLA runs concurrently with VSDP.

<table>
<thead>
<tr>
<th>Months of Service</th>
<th>Days at 100% pay</th>
<th>Days at 80% Pay</th>
<th>Days at 60% Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-12</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>13-59</td>
<td>0</td>
<td>0</td>
<td>125</td>
</tr>
<tr>
<td>60-119</td>
<td>25</td>
<td>25</td>
<td>75</td>
</tr>
<tr>
<td>120-179</td>
<td>25</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>180+</td>
<td>25</td>
<td>75</td>
<td>25</td>
</tr>
</tbody>
</table>

For more information on short-term disability under VSDP or the University plan, please contact Human Resources at 757-221-3169 or askhr@wm.edu.

If I am ill or injured and cannot work, how soon can my income protection start? How long does it last?
Under the University plan, income protection begins immediately and lasts for up to 120 calendar days. If the illness or injury is such that return to work is impossible, the employee may apply for long-term disability. An employee is eligible for long-term disability following one year of continuous employment.

Under VSDP, income protection begins after the first seven days of absence due to the illness or injury. These first seven days can be covered using the
employee’s available leave. The income protection lasts up to 125 workdays. If the illness or injury is such that return to work is impossible, the employee may apply for to long-term disability.

- **How do I apply for long-term disability?**
  Under the University plan, you would complete a long-term disability application following a 180-day elimination period during which you have not worked due to illness or injury. The application is then reviewed by The Standard Insurance Company. The long-term disability application is available at http://www.wm.edu/offices/hr/documents/forms/LTD%20Claim%20Packet.pdf and, once completed, must be returned to the Office of Human Resources for certification and submission to The Standard. If the application is approved, you would receive 60% of your pre-disability salary.

Under VSDP, once an employee has exhausted all 125 workdays of short-term disability, the VSDP third-party administrator will automatically initiate a long-term disability claim for review. If an employee’s long-term disability claim is approved, then he or she will receive 60% of his or her pre-disability salary. If the disability is due to a catastrophic condition, the income protection will be increased to 80%.

Once an employee transitions to long-term disability, he or she ceases to be an employee of the university and will receive his or her monthly disability payment from either the Virginia Retirement System or long-term disability carrier. Long-term disability will end if the employee later returns to work or retires.

**Family Medical Leave Act (FMLA)**

- **What is the FMLA?**
  The Family Medical Leave Act (FMLA) offers unpaid job protection for up to 12 weeks when an employee cannot work due to illness or injury or when he or she is caring for a newborn or newly adopted child or for an ill or injured family member (child under 18, spouse, or parent). To be eligible, employees must have worked for William & Mary for at least 12 months and have worked at least 1,250 hours in the previous 12 months. During FMLA, an employee may substitute his or her leave in order to continue to receive pay. Medical certification is required. To determine your eligibility or for more information on FMLA, please contact Human Resources at 757-221-3169 or askhr@wm.edu or you may also refer to http://www.wm.edu/offices/hr/documents/forms/FMLA%20Employee%20Rights%20and%20Responsibilities.pdf for more information. If it is
determined that you are eligible, you must inform your supervisor of your intent to utilize FMLA whether paid or unpaid.

If the employee is caring for a family member who is a current servicemember, then he or she is eligible for up to 26 weeks of unpaid job protection.

- **If I must be out for more than 12 weeks, do I receive job protection for the entire length of my absence under FMLA?**
  No, FMLA does not require an employer to provide job protection beyond 12 weeks (or 26 weeks when caring for a current servicemember).

**Leave Share**

- **Who is eligible for leave share?**
  Professionals and professional faculty participating in the Professional Sick, Disability and Family Care Leave program may donate and receive leave for the purposes of paid medical/disability leave or paid family, infant or child care leave.

  Professionals and professional faculty participating in the Virginia Sickness and Disability Program are not eligible to receive leave donations for themselves. They are, however, eligible to donate or receive leave to manage a family member’s illness or injury when the employee is using Family and Medical Leave (FMLA).

  For the purposes of this policy, the definition of family includes an employee’s:
  - Spouse as defined or recognized by the laws of the Commonwealth;
  - Parents, including parents-in-law, step-parents or persons who stood in the place of the parent and performed parental duties and responsibilities;
  - Siblings, including step-siblings;
  - Aunts and uncles;
  - Grandparents;
  - Children, including step-children, foster children, and legal wards; and
  - Any other adults living in the employee’s household.

- **How do I qualify for leave share?**
  You must have exhausted all personal leave balances including annual, family/personal, compensatory, and any sick leave afforded under the
Virginia Sickness and Disability Plan for family reasons. In addition, any administrative approvals or notice required for unpaid leave must be made.

An employee is ineligible to use donated leave during any period of disciplinary suspension or if they would otherwise be ineligible to use paid leave under the applicable leave policy.

- **What is my employment status while receiving donated leave and how does it affect my benefits?**

Eligible employees who receive income through the Leave Share Program are considered to be on leave without pay, although they receive compensation (compensation received through the donation of annual leave is based on the salary of the employee receiving the donated hours). This has the following effects:

A. Leave accrual: A leave share recipient will not accrue annual leave, paid sick, family or disability leave, or VSDP leave credits while receiving pay through leave donations.

B. Holiday Pay: Recipients of leave share donations are not eligible to receive pay for holidays falling during the leave period.

C. Salary increases: Leave share recipients may not receive any salary increases until they return to active work status.

D. Leave Anniversary: Periods of leave without pay that exceed fourteen (14) consecutive days will alter an operational employee’s anniversary leave date as those periods will not be counted toward that date.

E. Health Benefits: William & Mary will continue to pay its portion of the employee’s health care premium based on the health plan in which the employee is enrolled.

   a. **VSDP**: While an employee who is enrolled in the VSDP is receiving leave share donations under FMLA Leave for a family illness, William & Mary will continue to pay its portion of the health care premium for the duration of the leave share donations received or up to twelve (12) weeks of FMLA leave.

   b. **Disability/Family Care Leave.** While a professional or professional faculty member is receiving leave share donations for personal illness/injury, family illness/injury or infant care, William & Mary will continue to pay its portion of the health care premium for the duration of the leave share donations received.
F. Retirement Credit: Periods of leave share are not considered creditable compensation for retirement calculations by the Virginia Retirement System (VRS). Therefore, contributions to VRS will be discontinued when an employee is receiving leave share donations. Similarly, William & Mary will not make contributions to a professional or professional faculty member’s ORP.

G. Payroll Deductions: Certain payroll deductions, such as health care premiums, 403(b) contributions, or other voluntary deductions, may continue while an employee is receiving leave share donations if the employee receives income replacement sufficient to cover the deductions. If the income replacement received through leave share donations is insufficient to cover these payroll deductions, the employee must make arrangements with William & Mary to continue or cancel the deductions.

NOTE: Employees who are under contract to purchase VRS service credit must make arrangements with VRS to continue their payments as they cannot be deducted from leave share donations.

H. Group Life Insurance: Employees receiving leave share donations continue to be covered under the Commonwealth’s group life insurance policy for up to two years.

I. Family Medical Leave Act: Employees using leave share donations for FMLA-eligible leave conditions will have such leave counted towards their FMLA allotment.
## Appendix

### Medical Disability/Sick Leave and Family Personal Comparison

<table>
<thead>
<tr>
<th>Benefit</th>
<th>*William &amp; Mary Plan</th>
<th>**Virginia Sickness and Disability Plan (VSDP)</th>
</tr>
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<tbody>
<tr>
<td>Sick Days</td>
<td>120 calendar days of paid disability leave for medical reasons. Information can be found at the following web site: <a href="http://www.wm.edu/about/administration/provost/forfacstaff/index.php">http://www.wm.edu/about/administration/provost/forfacstaff/index.php</a>.</td>
<td>Eight to ten days per year for full-time faculty-ranked employees based on length of state service. Information can be found at the following web site: <a href="http://www.dhrm.state.va.us/genlbenefits/benefitsdescription.html#disability">http://www.dhrm.state.va.us/genlbenefits/benefitsdescription.html#disability</a>.</td>
</tr>
<tr>
<td>Family and Personal Leave</td>
<td>Personal Leave: None</td>
<td>Four to five days per year based on length of state service.</td>
</tr>
<tr>
<td></td>
<td>Family Leave: Certain kinds of dependent care leave may qualify for paid disability leave subject to the time limitations provided in Paid Disability Leave.</td>
<td></td>
</tr>
<tr>
<td>Leave Documentation</td>
<td>Leave must be reported in Banner Self-Service after it exceeds 10 days.</td>
<td>Hours of leave used must be reported in Banner Self-Service.</td>
</tr>
<tr>
<td>Short-term Disability (STD)</td>
<td>100% of pay for a maximum of 120 calendar days. Information can be found at the following web site: <a href="http://www.wm.edu/about/administration/provost/forfacstaff/index.php">http://www.wm.edu/about/administration/provost/forfacstaff/index.php</a>.</td>
<td>&quot;Eligibility&quot; for non-work related disability benefits will begin after a one-year waiting period. Once met, there is also a seven-day elimination period for short-term disability. Sick and personal leave (if available) may be used to cover the elimination period. VSDP income replacement will be at 60% for the first 5 years of employment. After your first 5 years, your income replacement depends on your length of state service. Short-term disability ranges from five to twenty-five workdays at 100 percent income replacement, and reducing to 80 percent and to 60 percent of pre-disability income for a maximum of 180 calendar days. Refer to chapter one in the VSDP Handbook <a href="http://www.varetire.org/pdf/publications/vsdp-handbook.pdf">http://www.varetire.org/pdf/publications/vsdp-handbook.pdf</a></td>
</tr>
<tr>
<td>Long-term Disability (LTD)</td>
<td>After a 180-calendar day elimination period, you may qualify for 60% income replacement to a maximum of $6,000 per month, paid until normal retirement age. Employees must satisfy a one-year waiting period to be eligible for long-term disability.</td>
<td>After the 180 calendar days, long-term disability goes into effect at the rate of 60 percent of your pre-disability salary until return to work or until retirement or death. Return to your pre-disability position is not guaranteed after you begin LTD. May be required to participate in a rehabilitation program. Disability retirement option is waived in VSDP. Employees must satisfy a one year waiting period to be eligible for short-term and long-term disability; as well as long-term care.</td>
</tr>
<tr>
<td>LTD Premium</td>
<td>Faculty member pays 40% of the LTD premium. See second page for example.</td>
<td>None.</td>
</tr>
<tr>
<td>Long-term Care</td>
<td>None.</td>
<td>A basic benefit of $96 a day for nursing home care, assisted living facility or home health care, up to a two-year lifetime maximum benefit of $70,080. The plan pays 50 percent of the maximum daily benefit amount or $38 a day for care by a registered nurse or licensed professional. Employees must satisfy a one year waiting period to be eligible for short-term and long-term disability; as well as long-term care.</td>
</tr>
</tbody>
</table>

*ORP participants are automatically enrolled in William & Mary’s Disability Leave Plan.

**VRS participants have a choice of either William & Mary’s Disability Leave Plan or VSDP.