

Operational Employee Leave FAQ

This FAQs document includes common questions and answers about the leave types offered to operational employees.

The FAQs are simply a starting point. If you need additional information, please contact the William & 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 an operational employee?**

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.

Employees deemed as "essential" by their department head due to the nature of their work may be required to report to work. Compensatory leave will be given to those employees for each hour worked (see Compensatory Leave section below).

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 employees accrue 4 hours each pay period for the first 5 years of employment. The accrual amount increases over time as shown below and is based on the employee's years of state service.

Years of Service	Accrual Rate Per Pay Period	Maximum Accumulation	Maximum Leave Payout
less than 5 years	4.00 hours	192.00 hours	192 hours
5 - 9 years	5.00 hours	240.00 hours	240 hours
10 - 14 years	6.00 hours	288.00 hours	288 hours
15 - 19 years	7.00 hours	336.00 hours	288 hours
20 - 24 years	8.00 hours	384.00 hours	336 hours
25+ years	9.00 hours	432.00 hours	336 hours

- **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 the maximum number of hours shown above. 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 William & Mary or retire?**
Yes, any unused annual leave can be paid to you following your separation from William & Mary due to resignation or retirement. The number of hours that can be paid upon separation are listed in the table above in the Maximum Leave Payout column. Leave payoffs are subject to completion of an employee clearance form.

Sick Leave

- **What sick leave plan do I participate in as an operational employee?**
Operational employees participate in the Virginia Sickness and Disability Plan (VSDP). You may find more information on VSDP by visiting <http://www.varetire.org/members/disability/vsdp/index.asp>.
- **How is sick leave used?**
Sick leave can be used when an employee is ill or injured or has a doctor's appointment. It cannot be used for a family member's illness, injury or doctor's appointment.
- **How many hours of sick leave do I receive?**
Sick leave is allotted each January 10th and the number of hours allotted is based on the length of state service as outlined in the chart below.

Months of Service	Sick Leave
Less than 60	64.00 hours
60 to 119	72.00 hours
120 or more	80.00 hours

- **Do my unused sick leave hours roll over each year?**

No, sick 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 sick leave balance not to exceed the hours listed above. Sick leave can be used for the first seven days of the waiting period during disability as employees are required to cover the 40 hour waiting period if they wish to be paid.

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 10th and the number of hours allotted is based on the length of state service as outlined in the chart below.

Months of Service	Family/Personal Leave
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.

Overtime Leave

- **How do I know if I am eligible for overtime?**
If you are a non-exempt employee, then you are eligible to earn overtime if you work more than 40 hours during a work week. The information regarding your FLSA status (i.e., exempt or non-exempt) is given to you at your benefits orientation or you can contact the Office of Human Resources to determine your status.

- **If I am eligible for overtime, can I earn it as leave instead of pay?**
When you are first hired as a non-exempt employee, you can chose to either be paid for any overtime that you earn during the pay period in which it was earned **or** you can elect to accrue it as leave. Your supervisor needs to sign your election form and it needs to be returned within seven days to HR. The overtime election form can be found at <http://www.wm.edu/offices/hr/forms-topic/index.php>

If you do not make the election by submitting the signed form, you will receive overtime leave instead of overtime cash. This leave should be exhausted prior to using your other leave options. The maximum amount of overtime leave that may be earned in a year is 120 hours. Overtime leave can roll over into the next calendar year. The accrual maximum is an additional 120 hours. After the maximum is reached, overtime is paid in cash. When this happens and the balance is below the 120, it is the responsibility of the employee to notify HR if they wish to have the election switched back to leave.

- **Can I change my election?**
Yes, employees may change their election two times each year. January 10th and July 10th of each year are the effective dates for changes made to overtime leave. Election forms must be received in our office prior to January 10th and July 10th to be effective on those dates.

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 College 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 provided that the he or she has made the election to receive leave for additional hours worked using the election form (see Overtime Leave section above). 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;
- Attempting to resolve work-related problems;
- Attending a work-related hearing;
- Interviewing for a state position; and
- 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?**

Short-term Disability

- **If I am ill or injured and cannot work, am I eligible for any type of disability coverage?**

Yes, as an operational employee, you participate in The Virginia Sickness and Disability Program (VSDP). VSDP offers income protection if an eligible employee is ill or injured (whether work-related or not) and cannot work. To be eligible, employees must have worked in a benefit-eligible position for at least 12 consecutive months. *Note: FMLA runs concurrently with VSDP.* If your illness or injury is work-related and you receive a workers' compensation award, your VSDP benefit will be offset by your workers' compensation benefit. To determine your eligibility or for more information on VSDP, please contact Human Resources at 757-221-3169 or askhr@wm.edu.

- **What type of income protection can I expect under VSDP?**

When first eligible for VSDP, employees on short-term disability receive 60% of their pre-disability salary. This amount can be supplemented using the employee's existing leave to bring the income protection to 100%. As the number of months of service increases, the income replacement percentages also increase (see the chart below).

Months of Service	Days at 100% pay	Days at 80% Pay	Days at 60% Pay
0-12	0	0	0
13-59	0	0	125
60-119	25	25	75
120-179	25	50	50
180+	25	75	25

- **If I am cannot work, how soon can my income protection start? How long does it last?**

VSDP coverage 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?**

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 William & Mary and will receive his or her monthly disability payment from the Virginia Retirement System. Long-term disability lasts until (a) the employee is able to return to full-duty work or (b) the employee is eligible for retirement through the Virginia Retirement System.

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).