



Title: Sick Leave, Disability Leave, and Family Leave	
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I. SCOPE

This policy applies to professional and professional faculty (hereafter “professionals”), including operational employees of the College of William and Mary and the Virginia Institute of Marine Science (the “College”), as described herein.

II. PURPOSE

The purpose of this policy is to describe College policies providing leave to eligible employees for illness, injury, disability, or family care, and other personal reasons. For information about other forms of leave, see the College policies on Leave Benefits for Professionals or contact Human Resources.

III. POLICY STATEMENT

The College is committed to offering its employees a program of benefits that fosters well-being. The program acknowledges the need for balance in the work, family and personal lives of employees which, in turn, enables and sustains a productive workplace. To that end, the College provides employees with paid time off to manage personal illness, injury, or disability, to care for family members, and for other personal reasons.

IV. DEFINITIONS

DHRM: Commonwealth of Virginia Department of Human Resources Management

ORP: Optional Retirement Program

Professional Sick, Disability and Family Care Leave: The leave policy for professional employees who are not covered by VSDP

Restricted Appointment: A position

- funded through sponsored contracts or grants, or
- with a specified ending or termination date, regardless of the funding source.

Traditional Sick Leave: The sick leave policy for operational employees who are not covered by VSDP and who were hired prior to 1999.

VRS: Virginia Retirement System

VSDP: Virginia Sickness and Disability Program



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V. COLLEGE LEAVE PROGRAMS

The College has three different sick leave programs, some of which also offer paid leave for disability or other reasons: VSDP, Traditional Sick Leave, and the Professional Sick, Disability, and Family Care Leave. Operational employees are covered by either VSDP or the Traditional Sick Leave program, depending on their date of hire and elections made. Professionals are covered either by VSDP, if they are members of VRS and elected to participate in VSDP at the time of hire, or the Professional Sick, Disability, and Family Care Leave Program.

A. Virginia Sickness and Disability Policy (VSDP)

The College has adopted the Virginia Sickness and Disability Program, DHRM Policy 4.57 (effective January 1, 1999, and revised effective November 25, 2005) as its sickness and disability policy with the following change to the definition of eligibility.

Eligibility:

- All operational employees hired after July 1, 2006 are required to participate in VSDP.
- All operational employees who transferred from the State system into the University Human Resources System in January 2009 and who were previously covered by VSDP remain covered by VSDP.
- Professional employees who elect to participate in VRS may also elect to participate in VSDP. The election must be made at the time of hire.

Leave Availability:

VSDP provides participating employees with supplemental replacement income during periods of partial or total disability for both non-occupational and occupational disabilities. It also provides employees with sick and family and personal leave. The terms of the VSDP are set forth in DHRM Policy 4.57, with the modifications described above. Eligible employees may use their accrued Family/Personal Leave (F/P) for any purpose, including family illness, injury or death.

All paid leave for illness or disability for participating employees is provided through VSDP. The policies contained in Section V(B), below, do not apply to participants in VSDP.



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B. Professional Sick, Disability, and Family Care Leave

Professionals who (i) elect VRS, but do not elect to be covered by VSDP, or who elect ORP and (ii) who hold regular, unrestricted appointments are eligible for paid sick/short-term disability leave and family care leave. Professionals with restricted appointments for a specified term or termination date generally are not eligible for sick, disability or family care leave under this policy; in the event of ambiguity, the Provost, on authority delegated by the Bylaws of the Board of Visitors, will determine a professional's eligibility for a requested benefit.

1. General Provisions.

- a. Benefits. It is the College's policy to continue medical insurance, life insurance, and retirement plan payments for full-time employees receiving at least 50% of their salary in a given fiscal year.
- b. Procedures; Notice of Anticipated or Planned Leave. Professionals must notify their supervisors of planned leave as far in advance as possible. When professionals take disability/sick leave for more than ten working days in one year (cumulative), they must report their leave to the Office of Human Resources (report using "Employee" on Banner, <http://my.wm.edu>).
- c. Need for Additional Leave. Employees who require additional leave, and have exhausted or anticipate exhausting their available paid leave, may be able to use leave balances donated by other employees under the College's Leave Share Policy or may be able to take unpaid or reduced pay leave as described under Section V(B)(3) below.

2. Fully Paid Leave. Eligible professionals are entitled to 120 calendar days of paid leave for medical inability to work or family, infant or child care. With the exception of care for new-born, newly-adopted or infant child¹ care as defined below, if the leave extends or is expected to extend beyond three weeks, a physician's statement verifying inability to work or the family member's illness or injury, including the date when return to work is expected, must be presented to the professional's supervisor. The supervisor will provide a copy to the Office of Human Resources as well as to the appropriate Vice President or Dean.

a. Disability Leave.

- Eligible professionals will initially have up to 120 calendar days of paid disability leave available for medical inability to work due to illness, injury, or pregnancy;

¹ "Newly-adopted child" may include a child who has been brought into the professional's home and whom the professional intends to make a permanent member of the family through adoption. The first year of adoption begins at the time the child is brought into the home, not at the time the adoption is finalized.



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- employees who use all or any portion of the initial 120 days of paid disability leave during any fiscal year shall be credited with up to 30 additional days of paid disability leave at the beginning of each succeeding fiscal year; and
- the total number of days available will not exceed 120 in any fiscal year, and employees may not use more than 120 days of paid disability leave during any fiscal year.

No severance payments will be made for unused paid disability leave. For the relationship of disability leave due to pregnancy and infant care leave, see Sec. VB2b.

b. Family, Infant or Child Care Leave. Professionals may qualify for up to 120 days of paid leave to:

- care for an ill or injured family member ("family care");
- care for the employee's child, including a step-child, under the age of one without regard to illness or injury ("infant care"); and
- care for an employee's newly-adopted child under the age of seven during the first year of adoption without regard to illness or injury ("newly-adopted child care").

For these purposes, family is defined as a professional's:

- Spouse as defined or recognized by the laws of the Commonwealth;
- Parents, including parents-in-law, step-parents or persons who stood in 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 professional's household.

Paid leave for family care and infant care or newly-adopted child care is available only when the professional is the person who primarily provides for the physical care of the family member, infant or newly-adopted child. Disability leave associated with pregnancy and infant care leave may be combined, provided that the total paid leave does not exceed 120 days. Professionals with academic appointments may be subject to additional restrictions on leave, and should consult the Faculty Handbook.

If both parents of a child or step-child are College employees, the time limitations governing paid family care for a child, infant care and newly-adopted child care leave will be combined so that the maximum paid leave period of the parents may not exceed 120 days per child during any fiscal year and, for such purposes, may not accrue at a combined rate of greater than 30 days per year per child in succeeding fiscal years.



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The provisions of this subsection shall not affect a professional's entitlement to paid disability leave for illness or injury, paid family care leave to care for other family members besides a child, unpaid leave of any kind, or negotiation of reduced responsibility contracts.

3. Unpaid Leave and Reduced Responsibility Contracts.

- a. Unpaid Disability or Family, Infant or Child Care Leave. In addition to the paid leave described above, eligible, full-time employees are entitled to up to 120 days of unpaid leave each fiscal year for disability or family care, infant care or newly-adopted child care under the same conditions as described in Section 2 above.

An employee may also take unpaid leave for care of a dependent child, including a step-child, under the age of seven, provided that the employee is the person who primarily provides for the physical care of the child. Such leave may be taken only once per child.

Any employee who has exhausted entitlement to paid leave during any contract year and who needs to begin unpaid leave shall notify his or her supervisor as soon as reasonably practicable. In the case of parental leave for newborn or newly-adopted children, the professional should notify the supervisor at least three months in advance of the desired leave. The supervisor will notify the appropriate Dean, Director, Vice President, or the Provost.

Employees should also see policies related to Long-term Disabilities as described in subsection (c) below.

The College is under no obligation to extend unpaid leaves of absence for illness or injury. The College will make a good faith effort to accommodate lengthy illness or injury so long as, to a reasonable medical certainty, the employee is expected to recover and be able to return to work within a reasonable period of time. Decisions regarding granting unpaid leaves of absence for illness or injury will be made by the Provost, in consultation with the affected Vice President, Dean or Director

- b. Reduced Responsibility Contracts. An employee who becomes partially disabled, or who wishes to care part-time for an ill or injured family member, infant or newly-adopted child, or dependent child under the age of seven may request a reduced responsibility contract under which the employee, in return for reduced responsibilities, would accept a corresponding reduction in salary. A reduction in responsibilities below 50% of full-time responsibilities will affect availability of benefits.

A reduced responsibility contract, if sought, will be granted at the sole discretion of the Provost, after consultation with the affected Vice President, Dean or Director and in concert with the provisions of the Americans with Disabilities Act. Such a contract will be granted only if the operational and financial needs of the affected unit may be readily accommodated.



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- c. Long-term Disabilities. Employees may elect to participate in the College's long-term disability insurance policy.² Benefits under the insurance policy are governed by the terms of the policy in effect when the disability is incurred.

C. College Traditional Sick Leave

The College hereby adopts the Commonwealth's Traditional Sick Leave Policy, DHRM Policy 4.55, Traditional Sick Leave (effective September 16, 1993 and revised effective July 10, 2004), as its Traditional Sick Leave Policy with the following modifications:

Eligible Employee: The College's Traditional Sick Leave Policy is applicable to operational employees hired prior to January 1, 1999, who elected to remain in the Traditional Sick Leave Program when they elected to join the College's University Human Resources System in January 2009.

Family: Employees covered by the Traditional Sick Leave policy may use up to 48 hours per leave year of accrued sick leave to take time off from work for the illness or death of a family member. For the purposes of the Sick Leave Policy, an employee's 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 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.

The Traditional Sick Leave program provides eligible employees with paid leave from work for reasons related to their own health or that of a family member, and for family related absences covered by the Family and Medical Leave Act. Other details and terms of Traditional Sick Leave are found in DHRM Policy 4.55.

D. Effect on Existing Leave Balances

The adoption of this Policy has no effect on existing leave balances under any College or State leave program or policy; employees retain leave balances.

² Certain specified-term professionals with restricted appointments are also provided long-term disability insurance as stipulated in their contracts.



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VI. AUTHORITY, IMPLEMENTATION AND AMENDMENT

This policy was approved by the President in accordance with the Restructured Higher Education Financial and Administrative Operations Act, Chapter 4.10, Title 23 of the *Code of Virginia* and the Management Agreement effective July 1, 2006.

The Office of Human Resources is responsible for the administration and implementation of this policy. The College reserves the right to revise or eliminate this policy at any time, and shall not be bound by any future change, addition, deletion or amendment in whole or in part of DHRM Policy by any agency of the state unless such change, addition, deletion or amendment is expressly adopted by the College or required by law. The President has delegated to the Vice President for Administration the authority to revise or amend this policy.

VII. RELATED POLICIES OR OTHER DOCUMENTS

Leave Benefits for Professionals and Professional Faculty
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