Leave Without Pay

I. Leave without pay may be granted to employees who have exhausted their eligible paid leave benefits and need additional leave to cover an unusual situation.

II. Leave without pay not to exceed two (2) days per year may be granted by the employee’s immediate supervisor. Requests for more than two (2) days per year may be granted by the appropriate manager or designee authorized to approve the leave without pay as noted below. Leave requests for more than two (2) days shall be submitted in writing to the appropriate manager or designee for prior approval.

III. Types of Leave Without Pay include: medical leave without pay, parental leave, military leave (see Regulation 542.07-01, “Military Leave”), temporary leave (see Regulation 542.03-1, “Temporary Leave”), leave for service in public office, educational leave, family medical leave (see Regulation 544-2, “Family Medical Leave”), and any other leave taken under this regulation that may be authorized by the Director of Benefits and Retirement Services (or designee). However, to the extent that an employee is entitled to use and has paid leave available under any other Prince William County Public School Board policy and regulation, the employee must use paid leave first.

A. Medical Leave Without Pay - The Director of Benefits & Retirement Services (or designee) may grant a leave of absence with or without pay for medical reasons, to an employee as a result of a personal illness or injury as certified by a physician for up to six (6) months. An additional six month period of medical leave without pay may be granted, not to exceed a total of one (1) year for an employee’s personal illness or injury. The employee requesting an extension is required to submit a physician’s certification of continued personal illness or injury and a letter requesting an extension to the Director of Benefits and Retirement Services (or designee). The medical certification for the employee’s personal illness or injury shall identify the nature of the illness or injury, the date the illness or injury began, and the projected return-to-work date. Failure to do so shall result in separation from the School Division. At the end of the one year period the employee will be separated from the School Division.

In addition to medical leave under this regulation, Regulation 544-2, “Family Medical Leave,” sets forth the process for employees to request leave under the
Family and Medical Leave Act (FMLA). Family and medical leave will run concurrently with sick leave, sick leave bank short-term disability and leave without pay. FMLA guarantees an employee’s position, or like position, will be available for a maximum of 12 calendar weeks.

Non-FMLA unpaid leave is not job protected. Once an employee has exhausted all FMLA leave benefits, the employee’s position may be released for immediate staffing by the School Division. An employee who is on a non-FMLA designated leave of absence will be inactivated once the approved leave is exhausted. At no time during a non-FMLA designated unpaid leave is the employee guaranteed a position should they become eligible to return to the workforce. At the conclusion of the approved leave, the employee will be inactivated, but is eligible to apply for any available positions that meet their qualifications. Once the employee is placed in an inactive status the health insurance may be continued under Consolidated Omnibus Budget Reconciliation Act (COBRA), per Regulation 531-1, “Insurance Protection.”

B. Parental Leave – Employees with three (3) or more consecutive years of service with Prince William County Public Schools shall be entitled to parental leave without pay not to exceed two (2) years for the birth or adoption of a child. Employees with at least one (1) year, but less than three (3) years of service shall be entitled to one (1) year of parental leave without pay for the birth or adoption of a child. This leave is separate from the unpaid leave available under the FMLA Act for the birth or adoption of a child of the employee. The provisions of Regulation 544-2, “Family and Medical Leave,” are not applicable to requests for parental leave made under this regulation, however the FMLA leave will run concurrently with the parental leave taken under this regulation. Parental leave must be requested and start immediately after FMLA has concluded.

Employees requesting parental leave must provide reasonable, advance notice of the expected birth or adoption (30 days or more recommended) by submitting in writing to the Director of Benefits and Retirement Services (or designee) a parental leave request. In the case of adoption, notification of the de facto custody shall be submitted to the Director of Benefits and Retirement Services (or designee) upon date of custody.

Non-FMLA covered parental leave is not job protected leave and the employee’s position may be released from immediate staffing. The employee will be eligible
to apply for any available position that meets their qualifications, but at no time during this period is the employee guaranteed a position. An employee will be inactivated once the employee has been absent the maximum amount of allowable time for the parental leave.

C. Military Leave - Provisions for military leave without pay are addressed in Regulation 542.07-1, “Military Leave.”

D. Leave for Service in Public Office - Leave without pay not to exceed two (2) years may be granted by the Director of Benefits and Retirement Services (or designee) to employees to run for or serve in public office. A request for leave without pay must be submitted at least thirty (30) days prior to the requested effective date of the leave. Leave approved for public service is not job protected leave and the employee’s position may be released for immediate staffing. The employee will be eligible to apply for any available position that meets their qualifications, but at no time during this period is the employee guaranteed a position. An employee will be inactivated once the employee has been absent the maximum amount of allowable time for service.

E. Educational Leave - The Director of Benefits & Retirement Services (or designee) may grant educational leave without pay to employees for up to one (1) year. For leave to be approved, the employee must provide documentation showing enrollment in either an undergraduate study program of at least twelve (12) hours per semester or a graduate study program of at least nine (9) hours per semester, or the equivalent thereof, and must have a satisfactory evaluation performance. Additionally, the area of study must be related to the employee’s position in public education.

The employee requesting educational leave must submit to the Director of Benefits and Retirement Services (or designee) an educational leave request in writing for review and approval prior to the start date of the requested educational leave. Educational leave is not job protected leave and the employee’s position may be released for immediate staffing. The employee will be eligible to apply for any available position that meets their qualifications, but at no time during this period is the employee guaranteed a position. An employee will be inactivated once the employee has been absent the maximum amount of allowable time for educational leave.
F. Other Leave - The Director of Benefits and Retirement Services (or designee) may grant other leave to cover an unusual situation. The period of additional leave without pay shall not exceed fifteen (15) consecutive work days. Prior to the anticipated start date of the requested additional leave without pay, the employee shall submit the leave request in writing to the Director of Benefits and Retirement Services (or designee). The leave request shall identify the reason for the additional leave without pay and the amount of additional leave being requested. Failure to return after the approved leave without pay shall result in a separation from the Division.

IV. Benefits While on an Approved Leave

A. Health Insurance

1. Employees on an approved medical leave of absence who elect to continue health insurance coverage shall receive the School Board health insurance contribution not to exceed six (6) months, or for the duration of the medical leave if less than six (6) months. Medical leave will run concurrently with any remaining FMLA leave. If an employee who has exhausted all paid leave elects to continue coverage during the first six (6) months of an approved medical leave of absence, the employee shall forward to the Office of Benefits and Retirement Services on a monthly basis the employee’s portion of the monthly health insurance premium. After the first six (6) months the employee may choose to continue PWCS health insurance plan by enrolling in COBRA.

2. Parental Leave - Employees on an approved parental leave of absence without pay may elect to continue health insurance coverage while on leave. During the approved FMLA portion of their parental leave without pay, which shall not exceed twelve (12) weeks, the employee shall continue to receive the School Board health insurance contribution, but the employee must pay the employee’s monthly portion of the health insurance premium on a monthly basis to the Office of Benefits and Retirement Services. For the remainder of the parental leave without pay after the expiration of the approved FMLA portion, the employee’s health benefits may be continued under COBRA. To continue on the PWCS health insurance plan, the employee will be required to enroll in COBRA.
3. To continue PWCS health insurance coverage on all other non-FMLA covered leave of absences, with the exception of military leave, the employee will need to enroll in COBRA. The cost of the COBRA benefits consists of the employee portion, employer portion, and a two percent (2%) administrative fee. Payment is made directly to the Office of Benefits and Retirement Services.

4. Should an employee fail to make a monthly payment, the employee shall have an additional thirty (30) consecutive calendar days to make the payment. If, after the additional thirty (30) days, the employee still has not made the overdue payment, the employee’s health insurance coverage shall be discontinued retroactive to the date the payment was due originally, and for the remaining duration of the approved leave without pay.

5. Should the employee return to a full-time or part-time eligible position, the employee may enroll in health insurance benefits beginning the first day of the month following their reinstatement.

B. No other benefits shall accrue while on approved leave without pay taken under this regulation.

C. The provisions in Section IV. A of this regulation are applicable only to approved leave without pay taken under this regulation, and are not applicable to unpaid leave taken under Regulation 544-2, “Family Medical Leave,” or military leave taken under Regulation 542.07-1, “Military Leave.”

D. An employee on approved unpaid leave or for personal illness under this regulation is prohibited from engaging in work or a work-related activity of any kind for the Division or any other employer during the period of leave, which includes applying and interviewing for other positions within the Division. However, if the Director of Benefits and Retirement Services determines that there is a demonstrated need based on the educational and business needs of the Division, the employee may be permitted to work as a substitute teacher or in another temporary hourly position.

V. Return to Work from an Approved Leave Taken Under this Regulation

A. At the conclusion of an approved FMLA covered leave, the employee shall be placed in the position the employee held when the leave began, or a similar position with equivalent benefits, pay, and other terms and conditions of employment. All employees returning from a leave without pay under FMLA are required to contact the Department of Human Resources prior to returning to their school location.
B. The employee shall be eligible for salary increment credit only if the employee worked at least sixty-five percent (65%) of the contracted days in the year the approved leave without pay was taken and/or in the year the employee returned from approved leave without pay taken under this regulation. Salary credit is subject to the restrictions set forth in Regulation 571-1, “Evaluation,” or Regulation 571-2, “Evaluation of Itinerant Teachers,” whichever is applicable.

C. All benefits to which an employee was entitled at the time the leave of absence without pay taken under this regulation commenced may be reinstated if the employee is placed in an eligible position.

The Associate Superintendent for Human Resources (or designee) is responsible for monitoring and implementing this regulation.

The Associate Superintendent for Human Resources (or designee) is responsible for review of this regulation in 2019.