

Policy and Procedure 8-4

Human Resources Benefits Management (DHRM Policies 4.05 – 4.60)

Issued By:	Robert W. Farell, State Forester
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Codes/Mandates:	Code of Virginia §2.2-2817.1 . State agencies to establish alternative work schedules; reporting requirement. Code of Virginia §32.1-48.06
References:	Department of Human Resource Management (DHRM) Policies: http://www.dhrm.virginia.gov/hrpolicies DHRM Employee Handbook (http://www.dhrm.virginia.gov/docs/default-source/hr/manuals/employeehandbook.pdf?sfvrsn=4) Executive Order #30, Marriage Equality in the Commonwealth of Virginia
Forms:	WH-380E - FMLA Certification of Health Care Provider for FMLA Employee’s Serious Health Condition WH-380F - FMLA Certification of Health Care Provider for Family Member’s Serious Health Condition

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PURPOSE

To provide a vehicle that directs employees to the appropriate Department of Human Resource Management (DHRM) policies in regard to the topics covered. DHRM policies are applicable to all executive agency state employees. In addition, this policy and procedure will provide VDOF-specific application of the DHRM policies.

POLICY

The Virginia Department of Forestry is committed to observing and following all policies issued by the Virginia Department of Human Resource Management and Virginia Department of Forestry. All VDOF employees are responsible for following DHRM policies and further VDOF policy and procedure specified below.

DEFINITIONS

“Affected Area” means any part or the whole of the Commonwealth, which has been identified as where persons reside, or may be located, who are known to have been exposed to or infected with or who are reasonably suspected to have been exposed to or infected with a Communicable Disease of Public Health Threat.

“Agency” and **“VDOF”** means the Virginia Department of Forestry.

“Agency staff” means all Virginia Department of Forestry classified, restricted and wage personnel, consultants, contract personnel and other non-employees, such as volunteers or interns.

“Annual Leave” means paid time off accrued by employees and available for personal use as approved by agency management.

“Commonwealth” means the Commonwealth of Virginia.

“DHRM” means Department of Human Resource Management.

“Fair Labor Standards Act (FLSA)” establishes minimum wage, overtime pay, recordkeeping and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State and local governments.

“FMLA” means Family Medical Leave Act.

“HR” means Human Resources.

“IFRIS” means Integrated Forest Resource Information System.

“Immediate Family Member” includes parents, step-parents or persons who stood in place of the parent and performed parental duties and responsibilities; a spouse as defined in accordance with [Executive Order #30, Marriage Equality in the Commonwealth of Virginia](#); children, including step-children, foster children and legal wards; siblings, including step-siblings, residing within an affected area.

“Leave Year” means period from January 10 through January 9.

“Maximum Carryover” means the unused accrued annual leave balance an employee may carry from one leave year into the next.

“PHEL” means Public Health Emergency Leave.

“Rest Days” means mandatory one day (24 hours) off after working 14 consecutive days or two days off in 21 days, the days do not have to be consecutive.

“Son or Daughter” means a biological, adopted or foster child; a stepchild or legal ward, or a child of a person standing in place of the parent. The child must either be under age 18 or be age 18 or older and incapable of self-care because of a mental or a physical disability.

“**Spouse**” means husband or wife as recognized in accordance with [Executive Order #30, Marriage Equality in the Commonwealth of Virginia](#).

“**VSDP**” means Virginia Sickness and Disability Program.

“**WCA**” means Workers Compensation Act.

“**Workplace**” means any state-owned or leased property including, but not limited to, buildings and other structures, parking lots, open spaces or any site regardless of ownership where agency staff performs official duties.

PROCEDURES

Both non-exempt and exempt employees must submit leave taken in IFRIS. Before taking leave from work, with or without pay, employees should request and receive their supervisor's approval of the desired leave as far in advance as possible. Be aware that you can request prior approval in IFRIS or via e-mail. If an employee could not have anticipated the need for a leave of absence, the employee should request approval for the leave as soon as possible after leave begins. VDOF follows the leave policies of the Department of Human Resource Management (DHRM). Follow the links below to the DHRM policies for more information about each type of leave. There are a few types of leave that are specific to VDOF in order to properly report the work week in IFRIS and therefore do not link to a specific DHRM policy.

VDOF-Specific Leave

New Hire/Exiting Employee Non-Work Time

This leave is unique to IFRIS and is used to fill in days during the first or last week of employment where you are technically not an employee of VDOF but still has to have a minimum of 40 hours in IFRIS. Use it to record hours not worked when an employee has either started working for VDOF part-way through a work week or ends employment part-way through a work week.

Administrative Office Closure

This leave is used to cover time off for office closings due to inclement weather, utility failure, fire or other forced evacuations from an agency work site, and other specific circumstances as outlined in the [DHRM Policy 1.35 – Emergency Closings](#)

Late openings and closings under the Emergency Closing Policy in VDOF Policy and Procedure 8-1, Human Resources General Policies apply if the office you are assigned to was closed. If the employee is required to work under this policy, report both the hours of Administrative Office Closure and the appropriate number of extra hours worked. The employee must be pre-approved if the activity is required under the FLSA policy. If the employee is teleworking under an approved teleworking agreement, the same rules apply as if he or she were in the office. If he or she did not know the office was closed but worked anyway, he or she will not receive compensatory leave. If the employee is on pre-approved leave, he or she can enter the Administrative Office Closure and adjust the pre-approved leave down hour for hour.

Bonus Leave (BL)

Human Resources will guide employees when Bonus Leave should be used. Bonus leave functions the same as Compensatory Leave in [DHRM Policy: 3.10 Compensatory Leave](#). Bonus Leave expires one year from the date earned.

Compensatory Leave (CL)

This leave is used to compensate employees for extra hours worked above 40 hours and expires one year from the date earned. For further detail on the earning and use of Compensatory Leave, see VDOF Human Resources Compensation Management Policy and Procedures 08-03.

Overtime Leave (OT)

This leave is used to compensate employees for extra hours worked above 40 hours. For further detail on the earning and use of Overtime Leave, see VDOF Human Resources Compensation Management Policy and Procedures 08-03.

Civil and Work Related Leave (JL)

VDOF will follow [DHRM Policy 4.05 – Civil and Work Related Leave](#), which provides guidelines to agencies for granting paid and/or unpaid leave time to employees who are performing certain civic duties, and to employees who are participating in the formal resolution of workplace conflicts and certain other work-related activities.

This leave is used to cover time off for jury duty, participation in grievance hearings and other specific circumstances as outlined in the DHRM policy as well as mandatory rest periods as outlined in the VDOF Emergency Response Mobilization Operations procedure.

Rest days are handled as a regular day off. Employees should record rest days in IFRIS the same way they show regular days off. If the employee would be below the minimum of a total of 40 hours in the work week due to taking the rest days, the agency will provide civil and work related leave for the portion of the rest day(s) needed to get the employee up to the 40 total minimum hours in the work week up to a maximum of 8 hours. If the employee has already worked 40 hours in the work week when the rest day occurs, then the rest day is considered an adjusted day off. The agency will not provide civil and work related leave simply to allow the employee to earn extra overtime pay.

Annual Leave (AL)

VDOF will follow [DHRM Policy 4.10 – Annual Leave](#), which permits agencies to provide paid leave to employees for vacation or other personal purposes. It may also be used to cover other kinds of leave for which an employee has depleted. Employees may accumulate annual leave, but only a limited amount may be carried over each leave year. The amount of annual leave an employee earns and may carry depends on length of service and is explained in [DHRM Policy 4.10 – Annual Leave](#).

Educational Leave

VDOF will follow [DHRM Policy 4.15 – Educational Leave](#) to allow employees to take leave from work to pursue study related to their work or the work of their agencies. For more information, refer to VDOF Policy and Procedure 8-5, Human Resources – Management Development and Training or contact the Human Resources Office.

Emergency/Disaster Leave

Since VDOF is an emergency response agency, VDOF will follow part of [DHRM Policy 4.17 – Emergency/Disaster Leave](#), which permits agencies to grant up to 80 hours of paid leave annually to employees who are victims of disasters that meet the criteria specified in this policy. If an employee is requested to provide emergency services other than those services VDOF handles, they should check with their supervisor, in coordination with the Human Resource Office to determine if the “leave to provide emergency services” part of the policy applies to their situation.

Public Health Emergency Leave (PHEL)

VDOF will follow [DHRM Policy 4.52- Public Health Emergency Leave](#), upon declaration and within the period of a Communicable Disease of Public Health Threat, all salaried employees are eligible for up to 80 hours of paid leave per leave year to attend to their own medical condition and/or to care for immediate family members residing in an affected area. At agency discretion, wage employees may also be eligible for paid leave during a declaration of a Communicable Disease of Public Health Threat. Eligibility should be determined based on critical business needs and available funding.

Family and Medical Leave (FMLA)

VDOF will follow [DHRM Policy 4.20 – Family and Medical Leave](#) to provide guidance regarding the interaction of the FMLA and the Commonwealth’s other Human Resource policies. More detailed information regarding the FMLA can be found at the [DOL FMLA website](#).

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- ◆ Twelve workweeks of leave in a 12-month period for:
 - the birth of a child and to care for the newborn child within one year of birth;
 - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - to care for the employee's spouse, child or parent who has a serious health condition;
 - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
 - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on "covered active duty;" **or**
- ◆ Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent or next of kin (military caregiver leave).

To be eligible, an employee must have been employed by the State continuously for a minimum of 12 months, and the employee must have worked a minimum of 1,250 hours during the 12 months prior to the start of the leave. Immediate family members are the employee's spouse, dependent children, parents and next of kin of a service member.

Requests to take leave covered by the FMLA must be made in writing to the Human Resources Office as soon as the need for the leave is known. For leave due to a personal or immediate family member's serious health condition, employees are required to have their, or their immediate family member's, doctor complete the [WH-380E - FMLA Certification of Health Care Provider for FMLA Employee's Serious Health Condition](#) or [WH-380F - FMLA Certification of Health Care Provider for Family Member's Serious Health Condition](#). For leave due to the birth or placement of a child, the employee needs to submit documentation of the pregnancy, birth or placement. For employees on VSDP, approval of a Short-Term Disability claim will suffice as documentation.

After receipt of the appropriate documentation, the director of human resources determines whether the leave is qualified under the FMLA. The employee is notified in writing of the decision and, if applicable, the dates of the approved leave.

Employees may use up to 33 percent of their personal sick leave (Traditional or VSDP) for qualifying family purposes for approved FMLA.

Parental Leave (PL)

The Virginia Department of Forestry (VDOP) will follow Department of Human Resource Management Policy [4.21 – Parental Leave](#), to provide paid parental leave to enable the employee to care for and bond with a newborn or child under the age of eighteen (18) newly-placed for adoption or for foster or custodial care.

- ◆ This program provides eligible employees with up to eight (8) weeks (320 hours) of paid parental leave to be used within six (6) months of the birth of an infant or adoptive, foster, or custodial placement of a child under the age of eighteen (18).
- ◆ Eligible employees will take parental leave in one continuous 8-week (320 hours) period.
 - In lieu of one continuous 8-week leave period, VDOP's only exemption for intermittent paid parental leave allows for a continuous period of four (4) weeks (160 hours), immediately followed by the required use of at least 20 hours of paid parental leave per week for the remaining 160 hours.
 - Exceptions will only be considered when directly affecting agency's mission, needs or requirements and endorsed by the employee's supervisor.
- ◆ Paid parental leave is used first and may be combined with personal leave or leave without pay under the afforded Family and Medical Leave Act protection for an absence of up-to 12-weeks (480 hours).
- ◆ The 320 hours of parental leave may be used only once per child and only once within a 12-month period.
- ◆ Unused parental leave is forfeited six (6) months from the date of the birth/placement

- ◆ Unused parental leave is not compensable if an employee separates from Commonwealth employment or moves to a non-covered position.
- ◆ Parental leave terminates at the conclusion of the foster or custodial care placement or within six (6) months of the placement, whichever comes first.

The successful execution of our program rests in an employee's prompt notification, leader's involvement, and immediate coordination with our HR team for guidance and advice. The sequence of steps below illustrates the process:

- ◆ Employees should submit a written request for parental leave at least 30 calendar days prior to the anticipated leave begin date or as soon as practicable -- an email endorsed by supervisor is acceptable.
- ◆ VDOF may require documentation of the birth or placement in order to approve parental leave.
- ◆ Upon receiving a request for parental leave, HR team will notify the employee of his or her eligibility status within five (5) business days.
- ◆ Employee takes 8-weeks of continuous paid parental leave.
- ◆ Employee returns to duty after completion of bonding period with new child.

Holiday Leave (HL)

VDOF will follow [DHRM Policy 4.25 – Holidays](#), which permits agencies to provide eligible employees with paid time off for specific holidays as mandated in the Code of Virginia.

Holiday Leave is entered into IFRIS by the VDOF Information Systems staff.

Leave Policies - General Provisions

VDOF will follow [DHRM Policy 4.30 – Leave Policies - General Provisions](#) to establish uniform policies by which employees are permitted to take time off from work.

At the beginning and in the middle of each calendar year, each employee should review the amount of leave he or she currently has, the amount of leave he or she will accrue by January 9 of the following year, and the leave he or she plans to use in the current year. The employee should make plans to utilize that leave sporadically throughout the calendar year. Employees must not save up large blocks of their leave and expect to be authorized to use it in one block of time at the end of the calendar year.

Before taking time off work, employees must request and receive their supervisor's approval for use of the requested leave. Employees must request use of leave as far in advance of the desired leave as practicable to ensure their mandated work is covered during their absence. Except for situations covered under the Family and Medical Leave Act, advance approval of leave in an 81 hour or longer block must be given by the employee's regional forester, division director or senior manager prior to the leave being taken.

Approval of requested time off is not automatically guaranteed. Supervisors need to consider workload, leave already approved for other employees in the unit, ability to cover work during the absence (especially for longer absences) and agency operational needs. If the time requested for leave conflicts with agency operations, the agency has the discretion to deny the request and approve an alternate time period for the employee's leave.

If the employee could not have anticipated the need for taking leave, the employee must request approval for the leave as soon as possible after leave begins. In reviewing the request for approval, the agency should consider, among other things, the circumstances necessitating leave and whether the employee could have anticipated the need; however, approval is not guaranteed.

Employees are responsible for knowing the amount of accrued leave to which he or she is entitled and that he or she has earned. Employees are not authorized to utilize leave until it is actually earned.

If a supervisor denies an employee's request for leave, but the employee still takes the requested time off from work, the employee may be subject to the actions listed below.

- ◆ the absence will be designated as unauthorized;

- ◆ the employee will not be paid for the time missed;
- ◆ because the employee has experienced Leave Without Pay, he or she will not accrue annual or traditional sick leave for the pay period(s) when the absence occurred; and
- ◆ the agency may also take disciplinary action, up to and including termination, under the state's Standards of Conduct policy.

Employees must accurately account for all leave time utilized in the agency's IFRIS leave program. Supervisors are responsible for reviewing employee timesheets to ensure leave time has been properly documented.

Exceptions to Maximum Carryover Limits

An employee who is unable to utilize his or her accrued annual leave in a calendar year due to special circumstances may request the state forester to authorize carrying over up to 80 hours over the employee's carry-over limit for a period not to exceed 6 months. These circumstances include: the departure of a co-worker and the employee being unable to take requested leave in order to cover the workload; a special, unanticipated project, which necessitated cancelling requested time off, or an injury or illness covered by the Family and Medical Leave Act requiring an extended period off work. The request for the additional carry-over must be made in writing and sent through the employee's supervisor to the state forester. Requests need to be submitted to the state forester by November 30.

Leave Sharing (LS)

VDOF will follow [DHRM Policy 4.35 – Leave Sharing](#), which permits eligible employees in Leave without Pay (LWOP) status to receive income by using annual leave hours donated to them by other employees.

Leave to Donate Bone Marrow or Organs (OD)

VDOF will follow [DHRM Policy 4.37 – Leave to Donate Bone Marrow or Organs](#), which authorizes eligible employees to use up to 30 workdays of paid leave in any calendar year, in addition to other paid leave, to donate bone marrow or organs.

School Assistance and Volunteer Service Leave (CS)

VDOF will follow [DHRM Policy 4.40 – School Assistance and Volunteer Service Leave](#) to provide leave to employees for services within their communities. Such service may be provided through school assistance or as a volunteer member of a community service organization.

Leave without Pay - Conditional/Unconditional (XX)

VDOF will follow [DHRM Policy 4.45 – Leave without Pay - Conditional/Unconditional](#) to allow employees covered under the Virginia Personnel Act to take unpaid time off from work under specified circumstances.

Military Leave (ML) and Military Bank Leave (MB)

VDOF will follow [DHRM Policy 4.50 – Military Leave](#), which permits employees to take military leave, with or without pay, for active duty in the armed services of the United States, and permits employees who are former and inactive members of the armed services, or current members of the reserve forces of any of the United States' armed services, or of the Commonwealth's militia, or the National Defense Executive Reserve to take military leave in accordance with federal and state law. Provides continued salary for employees in the Commonwealth's Militia called up by the Governor to respond to natural or man-made disasters.

Sick Leave (SL)

VDOF will follow [DHRM Policy 4.55 – Traditional Sick Leave](#) to provide eligible employees with paid leave from work for reasons related to their own health or that of certain family members, and for family-related absences covered by the Family and Medical Leave Act (FMLA).

Only available to employees hired before January 1, 1999 who have not elected to participate in the Virginia Sickness and Disability Program (VSDP).

- ◆ **Sick Leave (SL)** for absences related to conditions that prevent them from performing their duties. These conditions include illness, injury or health problems related to pregnancy or childbirth. An employee may be asked, in the case of any illness or injury, to provide a physician's statement describing the extent of the condition and the date upon which the employee is expected to be able to return to work. When these circumstances are known in advance, such as in cases of scheduled surgery or childbirth, employees will give their supervisor advance notice.

Employees also may use sick leave for medical appointments that cannot be scheduled outside work hours. Proof of any medical appointment that requires use of sick leave may be requested.

- ◆ **Sick Family Leave (SF)** may be used, up to 24 hours at a time, for an illness or death in your immediate family. Leave for this purpose may not exceed 48 hours in a year's time. "Immediate family" includes parents, stepparents, spouse, children, stepchildren, brother/sister, step-brother/sister or any relative living in the employee's home.

If the employee has five or more years of continuous service when state employment ends, he or she will be paid 25 percent of the unused Sick Leave, not to exceed \$5,000. The payout may be used to purchase additional Service Credit through the Virginia Retirement System (VRS)

Sick Bank Leave (SB)

Only available to employees who elected to switch from that sick leave system to the Virginia Sickness and Disability Program (VSDP) and who converted their sick leave balance to disability credits. One disability credit is equal to eight sick banked hours. Sick bank leave can only be used in eight hour increments for time off due to major personal illnesses and injuries. Unused Sick Bank Leave will be refunded upon retirement or termination of employment according to current policy on pay for unused sick leave.

Virginia Sickness and Disability Program

VDOF will follow [DHRM Policy 4.57 – Virginia Sickness and Disability Program](#) to provide eligible employees supplemental replacement income during periods of partial or total disability for both non-occupational and occupational disabilities. Encourage rehabilitation with an ultimate goal to return employees back to gainful employment when medically able.

Only available to employees hired before January 1, 1999 who elected to participate in the Virginia Sickness and Disability Program (VSDP) and to all employees hired after January 1, 1999. The amount of leave employees earn depends on length of service and start date. Hours of leave are credited on January 10th of each year and cannot be carried forward at the end of the year or paid out upon separation.

- ◆ **Disability Sick Leave (DS)** is for personal illnesses, injuries, or medical appointments. Participating employees may use credited sick leave for absences related to conditions that prevent them from performing their duties. These conditions include illness, injury or health problems related to pregnancy or childbirth. An employee may be asked, in the case of any illness or injury, to provide a physician's statement describing the extent of the condition and the date upon which the employee is expected to be able to return to work. When these circumstances are known in advance, such as in cases of scheduled surgery or childbirth, employees will give their Supervisor advance notice. Employees also may use sick leave for medical appointments that cannot be scheduled outside work hours. Proof of any medical appointment that requires use of sick leave may be requested.
 - If you are out on Disability Sick Leave for three days, you must call and initiate a Short-Term Disability claim with the Reed Group (1-877-928-7021) on the 4th day.
- ◆ **Disability Personal Leave (DP)** can be used for absences related to family illnesses. It can also be used for general absences, such as vacations. The employee will give reasonable notice to his or her supervisor.
- ◆ **Long-Term Disability (LD)** is a non-work-related or work-related condition that prevents you from performing the full duties of your job for an extended period of time. The VSDP long-term benefit begins after 125 workdays of short-term disability.
- ◆ **Short-Term Disability (SD)** can be used for illness, injury or other condition, such as surgery, pregnancy, complications from pregnancy or a catastrophic or major chronic condition, that prevents you from performing

the full duties for your job. The maximum short-term disability period is 125 workdays. You are responsible for calling Reed Group toll-free at 1-877-928-7021.

Workers' Compensation (WC)

VDOF will follow [DHRM Policy 4.60 – Workers' Compensation](#) allows all state employees to receive benefits provided by the Virginia Workers' Compensation Act (WCA) if they suffer a work-related injury or disease, and that covered employees participating in the Traditional Sick Leave Program who are entitled to benefits under the WCA also are eligible for supplemental benefits provided by the Commonwealth.

If you miss work as a result of an on-the-job injury or illness, and it has been accepted as compensable by MCI, you must enter the time as "Workers' Comp" in IFRIS. If your claim has not yet been approved, you must enter your own leave; once the claim is approved, your leave will be reinstated. Contact the Human Resource Office for more information.

AUTHORITY

This policy and procedure is issued by the Virginia state forester.

INTERPRETATION

The director of human resources and deputy state forester are responsible for the interpretation of this policy and procedure.

APPROVAL

I certify that this policy and procedure is approved and ready for publication.

Hector Rivera

Director of Human Resources Name (Print)

Director of Human Resources Signature

Ed Zimmer

Deputy State Forester Name (Print)

Deputy State Forester Signature