



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: LEAVE POLICY**

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 1 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

#### **I. PURPOSE**

The City of Richmond values employee wellbeing and encourages professional success, health and wellness, and work-life balance. In support of this goal, the city offers a variety of leave benefits to all employees. The purpose of this policy is to describe the city's types and uses of leave.

#### **II. POLICY**

This policy provides leave benefits to eligible employees as defined in the procedures below.

All requests for leave should be submitted and approved in advance of any absence from work. It is recognized that city departments may have established departmental leave policies related to leave utilization which are unique and are designed to meet organizational needs. Employees are required to adhere to established departmental leave policies.

Leave is approved at the discretion of the appointing authority/department head or designee and may be denied depending upon operational need, insufficient justification, or misuse. Employees should not presume leave will be approved solely because accumulated leave is available. Documentation to support any absence may be required.

#### **III. PROCEDURE**

##### **A. Vacation Leave**

Vacation leave provides employees an opportunity for rest and relaxation and for returning to work refreshed. Employees may take several consecutive days for vacation leave. Vacation leave may also be used when it is necessary to be absent from work for other personal reasons such as extended illness (after expiration of sick leave) or for personal reasons. Use of vacation leaves requires approval of the employee's appointing authority or designee.

##### **1. Vacation accrual rates**

###### **a. Classified service employees**

Classified employees who occupy permanent positions accrue vacation leave hours on a biweekly basis in accordance with the city's established pay period. The vacation leave



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accrual period for classified service operates on a calendar year. Accruals are not prorated for employees who start or separate from service in the middle of a pay period.

Except as provided for in the Administrative Regulations, employees who occupy permanent positions in the city service shall earn vacation hours at the following rates:

**i. General Employees**

<b>Years of Service</b>	<b>Bi-weekly Earning Rate (Hours)</b>	<b>Maximum Carryforward (Hours)</b>
Less than five	3.7	192.0
Five up to ten	4.6	240.0
Ten up to fifteen	5.5	288.0
Fifteen up to twenty	6.6	336.0
Twenty and above	7.4	384.0

**ii. Shift Fire Personnel\* employed on or after October 5, 1991**

<b>Years of Service</b>	<b>Bi-weekly Earning Rate (Hours)</b>	<b>Maximum Carryforward (Hours)</b>
Less than five	5.2	268.8
Five up to ten	6.5	336.0
Ten up to fifteen	7.8	403.2
Fifteen up to twenty	9.0	470.4
Twenty and above	10.3	537.6



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- iii. **Shift Fire Personnel\* employed prior to October 5, 1991.** Shift Fire employees who have more than twenty (20) years of service earn 11.1 per biweekly earning period and have a maximum carryforward of 576.0 hours.

\*Shift Fire Personnel are those persons who work on a one-hundred and twelve (112)-hour bi-weekly system.

b. **Unclassified and executive service employees**

Unclassified and executive employees who occupy permanent positions accrue vacation leave hours on a biweekly basis in accordance with the city's established pay period. The vacation leave accrual period for unclassified and executive service is provided on a fiscal basis. Employees in these service classes accrue vacation leave on July 1 as a lump sum. The accrual amount for both unclassified and executive service is as follows:

<b>Years of Service</b>	<b>Annual Allotment (Hours)</b>	<b>Maximum Carryforward (Hours)</b>
Less than five	120	240
Five up to ten	160	320
Ten and above	200	400

The change in the vacation leave accrual rate on year five (5) and year ten (10) will occur on the month following the employees' employment anniversary date. (For example, an employee receives one-hundred and twenty (120) hours of vacation on July 1. The employee reaches five (5) years of service on October 10. The employee is entitled to the additional prorated amount of accruals for the five (5)-year rate effective November 1).

An employee must be in active pay status to be eligible to accrue vacation leave. No vacation hours shall accrue if an employee is in inactive pay status. Examples of inactive pay statuses: absent without leave, suspension, approved unpaid leave of absence.



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#### **2. Vacation leave use**

Accrued vacation hours may be carried forward at the end of the vacation accrual period, not to exceed the maximum carryforward amount listed above for each service class. Vacation leave amounts exceeding the maximums listed in the carryforward columns may be accrued during a calendar year but may not be carried over beyond the last day of the vacation leave period. Any accrued vacation leave exceeding the maximum carryforward will be forfeited at the end of the first pay period of the following year.

Vacation leave credits shall be audited annually as of the last day of the annual accrual period, determined by service class, or as of the date of employee separation. Vacation leave shall not be charged in less than fifteen (15) minute units. If a paid holiday occurs during an employee's approved vacation leave period, leave will not be applied to cover the holiday (i.e., the holiday will not count against the employee's vacation leave balance).

Unclassified and executive employees hired before July 1, 2023, and have vacation accrual balances in excess of the carryforward limit will have five (5) years beginning July 1, 2023, to use or donate their excess vacation hours. On July 1, 2028, all vacation hours in excess of the carryforward limit will expire.

The maximum credits specified are for employees working full time. Employees employed on a tenured part-time basis in a permanent position shall receive vacation leave in proportion to their actual hours worked.

#### **3. Vacation leave accrual payout upon separation from city service**

The city shall deduct from any lump sum payment amount appropriate federal and state taxes, and deductions for amounts owed to the city as an employee, and any other amounts required by law.

##### **a. Classified employees**

Classified employees shall receive a lump sum payment of their accrued vacation hours not to exceed the annual carryforward maximum upon separation from city employment.



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#### **b. Unclassified and executive employees**

Unclassified and executive employees shall receive a lump sum payment of the sum of accrued vacation hours carried over into year of separation and shall only be paid for the prorated share of the vacation accrual of the respective year of separation, the total of which cannot exceed the annual carryforward maximum.

### **B. SICK LEAVE**

Leave under this section may need to be coordinated with the Family and Medical Leave Act (FMLA).

The sick leave accrual period shall operate on a calendar year for all employees.

#### **1. Sick leave accrual rates**

Employees in the classified general, unclassified, and executive service accrue sick leave at the rate of three point seven (3.7) hours for each bi-weekly cycle of service. Sick leave is accrued in accordance with the city's established biweekly pay period.

Shift employees of the Fire service (112-hour biweekly) who were employed prior to October 5, 1991, shall earn sick leave at the rate of seven point four (7.4) hours for each biweekly cycle of service. Shift employees of the Fire service (112-hour biweekly) who were employed on or after October 5, 1991, shall earn sick leave at the rate of five point two (5.2) hours for each biweekly cycle of service.

An employee must be in active pay status to be eligible to accrue sick leave. No sick hours shall accrue if an employee is in inactive pay status. Examples of inactive pay statuses: absent without leave, suspension, approved unpaid leave of absence.

#### **2. Sick leave use**

Sick leave may be used for authorized absences necessitated by reason of:

- a. Personal illness.
- b. Bodily injury or disease.



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- c. To keep a medical appointment.
- d. Immediate family illness.

If a paid holiday occurs when an employee is absent on approved sick leave, leave will not be applied to cover the holiday (i.e., the holiday will not count against the employee's sick leave balance). Sick leave will not be charged in less than fifteen (15) minute units.

Use of sick leave requires approval of the employee's appointing authority/department head or designee in accordance with established procedures. Such procedures may be suited to the agency's needs, as long as they are consistent with the guidance provided in this policy.

An employee who is unable to work due to illness shall contact his or her immediate supervisor as soon as possible, but prior to the beginning of the scheduled work day; unless because of the nature of work, such procedures are otherwise dictated by the appointing authority/department head or designee.

If an employee requests more than three consecutive workdays of sick leave, that employee shall be required to provide the city a certification from a health care provider that verifies that the absence was due to a medical condition and states when the employee is expected to return to work. If an employee does not provide this certification within ten (10) working days of their return to work, the employee may be charged with leave without pay and/or be subject to disciplinary action. All medical information will be considered confidential and will be made a part of the employee's medical records.

Sick leave is granted at the discretion of the appointing authority/department head or designee. Use of sick leave may be denied if it appears to not be justified or is being wrongfully used. An employee should not assume sick leave will be approved simply because he or she has an accumulated sick leave balance. Sick leave is a benefit and not an entitlement.

### **3. Sick leave maximum carryforward**

Sick leave hours shall be audited annually on a calendar year or as of the date of separation. Accrued sick leave hours may be carried forward at the end of the calendar year, not to exceed the maximum carryforward amounts as follows:



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- a. City employees who were hired on or after July 1, 2023, shall carryforward a maximum of one-hundred and twenty (120) hours of sick leave.

#### **4. Sick leave accrual payout upon separation from city service**

Upon separation from city service all sick leave hours expire. There is no payout of sick leave.

### **C. MENTAL HEALTH / WELLNESS DAYS**

Employees are allotted two (2) mental health/wellness days per calendar year. Mental health/wellness days may be observed on any regular scheduled workday mutually agreed upon by the employee and appointing authority/department head during that calendar year. Except for 56-hour Shift Fire Personnel, mental health/wellness days must be taken in a full eight (8) hour day increment, subject to supervisor approval. Mental health/wellness days do not carryforward and shall not be paid out upon separation or count toward calculation of creditable service for retirement. Any unused mental health days will expire at the end of each calendar year.

### **D. EMPLOYER SPONSORED HEALTH CLINIC LEAVE**

Employees are encouraged to utilize the City of Richmond sponsored health clinics. Employees accessing clinic services on city time shall utilize the clinic closest to their worksite.

Any appointment pertaining to wellness may be completed on regular time. Approval from the employee's supervisor may be required prior to scheduling a wellness appointment.

Employees are granted six (6) hours of paid leave for sick visits to the clinic per calendar year.

The Department of HR shall promulgate standard operating procedures for visiting or receiving services from the clinics.

### **E. UNPAID MEDICAL DONOR LEAVE**

Eligible employees may take unpaid medical donor leave where there is medical necessity for donation. Employees are allotted up to sixty (60) business days of unpaid leave in any twelve (12)-month period to serve as organ donors, and thirty (30) business days of unpaid leave in any twelve (12)-month period to serve as bone marrow donors.



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To be eligible for unpaid medical donor leave employees must have worked for the City of Richmond for at least twelve (12) months prior to the start of the leave and worked at least one thousand two hundred and fifty (1,250) hours in the preceding twelve (12) months.

Employees may not take medical donor leave concurrently with leave under FMLA.

#### **F. SHARED LEAVE PROVISION**

All employees, after twelve (12) consecutive months of employment with the city (employee does not have to be tenured), shall be eligible to receive or to donate vacation leave as provided by this policy.

Shared leave may be granted to an eligible employee if the employee experiences a catastrophic illness (as defined by the city's employee medical service provider), including but not limited to; cancer, major surgery, serious accident, or heart attack, that:

1. Poses a threat to life or requires in-patient care, hospice care, or home health care.
2. Keeps the employee from performing any portion of his or her regular work duties in accordance with a serious health condition as defined under the FMLA.

An employee shall be eligible to receive shared leave if the employee has exhausted all accumulated vacation, sick and compensatory time credits.

If the appointing authority/department head or designee determines that the employee meets the initial eligibility requirements of this policy, they shall provide a written recommendation to the Director of Human Resources or designee. The decision by the Director of Human Resources or designee to approve or deny the request shall be final and not subject to appeal to the Personnel Board.

When requesting shared leave, or at any time during the use of shared leave, an employee shall be required by the Director of Human Resources or designee to undergo a medical review and/or examination by the city's Employee Medical Service Provider to establish that the illness or injury is of a serious nature and keeps the employee from performing any portion of his or her regular work duties. If the employee fails to comply with the medical review and/or examination or if the city's Employee Medical Service Provider fails to establish that a serious illness or injury exists, the





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use of shared leave shall be automatically denied or terminated by the Director of Human Resources or designee.

Common illness or minor injury that is not serious or life threatening.

Once a request for shared leave has been approved by the Director of Human Resources or designee, all city employees will be notified that a recipient is in need of donations for shared leave. The shared leave program is voluntary, and no employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

Shared leave shall be applied retroactively to the date the employee depletes all forms of paid leave because of the current illness or injury.

While receiving shared leave the recipient shall not earn holidays, vacation, sick or employment service credits.

Shared leave may be used only for the duration of the current serious illness or injury for which it was collected, up to a maximum of one year from the date the employee began using the shared leave.

If the serious illness or injury improves so that the employee is no longer prevented from performing his or her regular work duties or the recipient separates from city service or retires, all unused portions of the shared leave shall be forfeited to a general pool. Leave time in this pool shall be administered by the Department of Human Resources. Such leave time in this pool shall only be used to:

1. Make up solicitation shortfalls.
2. Be applied to the original recipient in the case of a relapse within a one-hundred sixty (160) work hour time period. When the employee has returned to work for one-hundred sixty (160) consecutive, normal work hours, it shall be determined that they are no longer prevented from performing their regular work duties.

An employee shall be eligible to donate only vacation credits to another employee if the donation of vacation does not cause the accumulated vacation leave balance of the donating employee to be less than eighty (80) hours.



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Shared leave shall be paid according to the receiving employee's regular rate of pay. The rate of pay of the donating employee shall not be used in computing the amount of shared leave the requesting employee receives.

Shared leave shall be donated and taken in full-hour increments.

Employees terminating service from the city may be allowed to donate any vacation leave balances under this program.

#### **G. MILITARY LEAVE**

The city administers its military leave policy in accordance with applicable law, including the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Code of Virginia. The Chief Administrative Officer may authorize benefits that are more generous than those afforded by law.

#### **H. CIVIL LEAVE**

Civil leave (time off without loss of pay) may be granted for the following:

1. Service on a jury.
2. Attending court when subpoenaed or requested to appear before a court, public body or commission except when the employee is a party to the suit.
3. When performing emergency civilian duty in connection with national defense.
4. For the purpose of voting.
5. For attending worker's compensation hearing.

For leave pursuant to this section, the employee will not be charged compensatory, annual, or sick leave. Such employees are entitled to keep any jury or witness fee awarded by the Court in addition to regular salary. The employee is not required to report to work on that day.

Leave for the purposes of voting shall only be granted when the employee's work schedule prohibits voting before or after duty hours.



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Any person who serves as an officer of election as defined in § 24.2-101 of the Code of Virginia as amended shall neither be discharged from employment, nor have any adverse personnel action taken against them, nor shall they be required to use sick or vacation time, as a result of their absence from employment due to such service, provided they gave reasonable notice to the appointing authority/department head or designee of such service pursuant to §24.2-118.1 of the Code of Virginia as amended.

Work related hearing - If an employee must appear in court or at an administrative hearing either as a witness or a party, due to his employment with the city, such time shall be considered as hours of work.

#### **I. BEREAVEMENT LEAVE**

Any employee who has had a death in their immediate family shall be granted, upon request, bereavement leave for a maximum of three (3) consecutive working days taken immediately prior and/or subsequent to the day of burial service (or equivalent).

Any employee who has had a death in their non-immediate family or of a friend shall be granted, upon request, bereavement leave for a maximum of eight (8) consecutive hours, to attend a burial service (or equivalent).

Bereavement leave is with pay and is granted by the appointing authority/department head or designee. Any additional leave required may be charged to vacation or compensatory time.

Immediate family is defined as parent, a person standing in loco parentis to the employee, spouse, child, sibling, legal ward, grandparents, and grandchildren of the employee or the employee's spouse; or any other relative of the employee or spouse who lives in the employee's household.

#### **J. EDUCATIONAL LEAVE**

In order to assist tenured status employees working full time in obtaining and/or completing high school, undergraduate, or graduate courses; and to promote the highest quality of professional life; the city may grant educational leave, subject to the following provisions:

1. With Full Pay - Educational leave with full pay may be granted upon the recommendation of the appointing authority/department head or designee and Director of Human Resources or



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designee and the approval of the Chief Administrative Officer or designee for a course of study that is directly and clearly related to the employee's present occupational field. Whenever educational leave with full pay is granted, the employee shall be contractually bound to return to the city service for a period equal to three (3) times the length of time for which the leave is granted. Whenever an employee's position is abolished or reallocated during their absence and there is no job available in the same or higher class, the employee shall not be required to accept a position in a lower class or to refund the city's investment. Whenever an agreement cannot be fulfilled because of major injury, illness, or other reasons clearly beyond the control of the employee and substantiated by appropriate documentation, the contract may be nullified by the Director of Human Resources. Whenever, for any reason other than those mentioned, such an agreement cannot be fulfilled, the employee shall be bound by the provisions of the contract.

2. With Partial Pay - Educational leave with partial pay may be granted upon the recommendation of the appointing authority/department head or designee and Director of Human Resources or designee and the approval of the Chief Administrative Officer or designee for a course of study that is determined to be beneficial to both the city and the employee. Whenever such leave is granted, the employee shall be contractually bound to return to the city service for a period equal to two (2) times the length of time for which the leave is granted. The remaining provisions of this policy apply.
3. Without Pay - Educational leave without pay may be granted upon the recommendation of the appointing authority/department head or designee and the approval of the Director of Human Resources or designee for any approved educational plan that will benefit the employee.

Educational leave with or without pay may not exceed one-hundred and twenty (120) calendar days.

#### **K. LEAVE WITHOUT PAY**

The appointing authority/department head or designee may impose leave without pay pending disciplinary review or investigation for up to ten (10) working days. Leave without pay pending disciplinary review or investigation greater than ten (10) working days (fifty-six (56)-hour Fire shift



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personnel equivalent shall be five (5) working days) must be approved by the Director of Human Resources or designee.

Leave without pay may also be granted by the appointing authority/department head or designee for personal reasons, for a period beyond those allowable with pay, provided the appointing authority/department head or designee is willing either to allow the position from which leave is taken to remain vacant or to fill on a short-term temporary basis until the expiration of such leave. Leave without pay for personal reasons shall not be granted for more than thirty (30) calendar days except for educational leave military leave, Family Medical Leave (FMLA) or any Americans with Disability Act (ADA) accommodations. Additional leave without pay beyond thirty (30) calendar days must be approved by the Director of Human Resources or designee. If any employee's position is abolished while on leave without pay except as otherwise noted in this policy, reduction-in-force procedures shall apply.

An employee shall not earn vacation or sick time while on leave without pay. Failure on the part of the employee to report to work promptly at the expiration of a leave without pay may be grounds for dismissal.

#### **L. LEAVE FOR VICTIMS OF A CRIME**

In accordance with Virginia Code 40.1-28.7:2, the appointing authority/department head or designee is not required to compensate the employee but is required to grant leave when the employee requests leave to attend criminal proceedings provided the employee is a victim to the crime. The employee may elect to use vacation leave or any compensatory time accumulated.

In this instance victim is defined as the following:

1. A person who has suffered physical, psychological, or economic harm as a direct result of the commission of a felony or of assault and battery in violation of § 18.2-57 or § 18.2-57.2, stalking in violation of § 18.2-60.3, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, maiming or driving while intoxicated in violation of § 18.2-51.4 or § 18.2-266.
2. A spouse or child of such a person.
3. A parent or legal guardian of such a person who is a minor.



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4. For the purposes this section only, a current or former foster parent or other person who has or has had physical custody of such a person who is a minor, for six months or more or for the majority of the minor's life.
5. A spouse, parent, sibling, or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, "victim" does not mean a parent, child, spouse, sibling, or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in clause (1).

#### **M. ADMINISTRATIVE LEAVE**

Administrative leave with pay may be granted to an employee at the discretion of the appointing authority/department head in special situations or circumstances.

Exempt staff shall not be awarded overtime pay or compensatory leave. Administrative leave shall not be rewarded to exempt staff as a substitute for overtime pay or compensatory leave.

Employees may request administrative leave from the supervisor in special situations or circumstances. The supervisor may request administrative leave on behalf of the employee in instances of special circumstance.

The request for administrative leave must be submitted at least one week prior to the date(s) requested off, except in emergency situations.

The appointing authority/department head or designee may approve administrative leave with pay for up to ten (10) working days (eighty (80) work hours) (fifty-six hour (56)-hour Fire shift personnel equivalent shall be five (5) working days or 120 hours). The approval of the Director of Human Resources or designee is required for administrative leave exceeding ten (10) working days (56-hour Fire shift personnel equivalent shall be five (5) working days).

Administrative leave is subject to supervisory discretion; and requires approval by the appointing authority/department head or designee. The City of Richmond is not obligated to award administrative leave; administrative leave is not an entitlement. As such, administrative leave does not accrue, and thus, shall not be paid upon separation or transfer. Therefore, administrative leave is to be taken as soon as possible upon the granting of such time.



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In the situation where an employee is not able to complete a leave form, the supervisor may complete the form for the employee and note "employee unavailable to sign due to emergency" on the employee signature line. The supervisor should initial the statement.

#### **N. UNAUTHORIZED ABSENCE**

An unauthorized absence from duty during required hours of attendance may be treated as a leave without pay. Such absence may be the grounds for disciplinary action including dismissal, in accordance with the city's Discipline Policy. Where there are extenuating circumstances for the unauthorized absence, the appointing authority/department head or designee, has the discretion to authorize the absence with a later grant of leave.

Failure of an employee to return to work at the expiration of an authorized leave or to request an extension of such leave shall be considered an unauthorized absence. An employee who is considered on an unauthorized absence for three (3) consecutive workdays, or, in the Fire Department (for members who work 24-hour duty tours) two (2) consecutive twenty-four (24) hour work tours, shall be dismissed.

#### **O. ABSENCE DUE TO ARREST OR INCARCERATION**

Employees who are unable to report to work due to arrest or incarceration may not be paid for the days they are absent from work and may be subject to dismissal unless authorized by the Chief Administrative Officer or designee, upon written request by the employee, to use vacation leave or administrative leave.

### **IV. RESPONSIBILITY**

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information, including leave accrual status. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Appointing Authorities and/or Department Heads** – Appointing authorities/department heads or designee are responsible for ensuring that the agency/department balance staffing needs while considering the work-life balance of employees. Appointing authorities/department heads or designee shall notify HR of staffing needs and leave requests.



**Administrative Regulations**

**Office of the Mayor**

**Title: LEAVE POLICY**

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 16 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

**Supervisors** – Supervisors are responsible for managing leave requests. This includes approval/disapproval of leave requests.

**Employees** – Employees are responsible for abiding by the requirements and processes of this policy. Employees shall not request leave for which they do not have available leave accrual balance to cover without written consent of the appointing authority/department head or designee.

**V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.





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**VII. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR