

Date of Current Revision or Creation: June 6, 2023

The purpose of this policy is to establish formal direction, rules, and procedures to provide time off from work for administrative and professional faculty, classified staff, and wage employees to attend to certain civic duties or to address certain situations that impact the University.

(3 [Virginia Code Section 23.1- d](#)

Crime Victim - A person who has suffered physical, psychological, or economic harm as a direct result of the commission of a felony, assault and battery, stalking, sexual battery, attempted sexual battery, maiming, or driving while intoxicated. This includes a spouse or child of such a person; a parent or legal guardian of such a person who is a minor; 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; or a spouse, parent, sibling or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide. [Code of Virginia Title 18.2. Crimes and Offenses Generally](#).

Employee Assistance Program (EAP) – A program provided by the Commonwealth of Virginia to persons enrolled in the health benefit program that provides comprehensive, confidential employee assistance services (such as short-term counseling, assessment, and referral services) to covered University employees and their families.

Fair Labor Standards Act (FLSA) – Establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.

Grievance Process - The formal process defined in the respective employee guidebook by which an employee may bring workplace concerns to upper management.

Jury Summons - An official document requiring an individual to appear in court and potentially to serve on a jury. Failure to comply may result in legal consequences, including a finding of contempt of court.

Officer of Election - A person appointed by an electoral board pursuant to the [Code of Virginia §24.2-115](#) to serve at a polling place for any election. This does not include other poll workers, political workers, or volunteers.

Subpoena - An official document requiring an individual to appear in court as a victim, witness, or other participant in a legal proceeding. Failure to comply may result in legal consequences, including a finding of contempt of court.

Teaching and Research Faculty - Employees whose work assignments primarily involve instruction, research, and scholarly activities, and who hold academic rank/titles.

Undue Hardship - A significant difficulty and expense to an agency which includes the consideration of the size of the agency and the critical need of the employee.

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This policy applies to administrative and professional faculty, classified staff, and wage employees. This policy does not apply to teaching and research faculty.

This policy provides guidelines 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 policy also includes provisions for placing an employee on administrative leave to address certain situations that impact University operations.

There are two broad categories of civil and administrative leave:

1. Paid and unpaid leave related to certain civic duties (15Tw 3 (a33 (o)1 T .0d Tc 01 Tp(an

of the electoral board following the election to ascertain the results of such election. Employees may not be compelled to charge the time off to personal leave.

- d. Work shifts missed in compliance with this provision will be charged to civil and administrative leave.
- e. Employees who serve as Officers of Election shall be allowed to use civil and administrative leave to attend the required Officer of Election certification training only when the employee's locality does not offer the training during non-work hours. Training schedules are available from local registrars and are typically posted on the localities' websites.
- f. Neither civil and administrative leave nor school assistance and volunteer service leave may be used by employees who wish to volunteer on election day in another capacity (e.g., poll workers not certified as Officers of Election, political workers, etc.) These activities are considered political activities, not community services as defined in policy.

5. Other Court Duties

- a. Time spent in court by employees acting in the following categories is considered work time and is not charged to civil and administrative leave or to accrued leave.
 - i. Employees attending court as part of their job duties. (e.g., law enforcement officers)
 - ii. Employees under subpoena to appear as expert witnesses because of their State positions.
 - iii. Employees called by the Commonwealth as expert witnesses.
 - iv. Employees may not retain any payment beyond their normal salary for these services but may keep funds received in reimbursement for expenses.

- b. On a case-by-case basis, if a supervisor determines that an employee's appearance in court, though not part of the job duties, is required by a matter that arose out of and (s3 (.)TJ/r)TJ-0.014

1. Work-Related Duties

- a. Civil and administrative leave may be granted to the employee for absences during scheduled work hours for the following reasons:
 - i. to participate in resolution of work-related conflicts or complaints of employment discrimination;
 - ii. to attend work-related administrative hearings as a party or witness; or

- e. Civil and administrative leave will not be granted to employees for the following:
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absence being charged to annual, compensatory, overtime, recognition, or family/personal leave or, if no leave balances are available, to leave without pay.

- c. Compensation to an individual under subpoena or summons or serving as an Officer of Election may consist of (1) reimbursement for such expenses as meals, mileage, parking, and similar costs and/or (2) payment for services as a juror, witness, or Officer of Election.
 - d. Employees using civil and administrative leave may retain amounts received as reimbursement for expenses such as meals, mileage, parking, and similar costs. Note that fees given to Virginia circuit court jurors are considered reimbursement for expenses.
 - e. Employees assigned to an evening or night shift who cannot be rescheduled to the day shift during the period of these civic obligations may retain payment for services rendered without loss of pay for their scheduled shift if:
 - i. they work the entire shift, or
 - ii. they work a portion of the work shift and charge the remainder to annual, family and personal, compensatory, overtime, or recognition leave, or to leave without pay.
3. Employee Responsibilities

- a. Employees are responsible for giving as much notice as possible to their supervisor in advance of the occasion for using paid or unpaid civil and administrative leave.
- b. Employees are responsible for returning to work as appropriate when the approved activity ends and for notifying their supervisors if they are unable to return to work as expected.
- c. Employees are responsible for providing appropriate documentation as directed by their supervisor concerning events and travel time needed, and for completing appropriate leave requests.
- d. Employees are responsible for ensuring that all leave is accurately reported in Web Time Entry (WTE).

4. Supervisor Responsibilities

- a. Supervisors are responsible for permitting employees to use leave in accordance with this policy and for establishing appropriate practices for verifying the reasons for use of this leave time.
- b. Supervisors should establish reasonable amounts of leave permitted for voluntary activities such as interviewing for other State positions.
- c. Supervisors may not refuse to grant leave for an employee to fulfill required activities covered by this policy. However, the supervisor may discipline an employee for not providing reasonable notice for the absence.
- d. If the employee does not provide adequate verification of the time missed, the supervisor may treat the absence as unauthorized. The supervisor may then apply their procedures for unauthorized leave and may: (1) charge the time missed to the employee's personal leave balances or to leave without pay; and, (2) impose discipline as specified in applicable policy.
- e. Supervisors must comply with relevant requirements concerning rest time permitted following the serving of jury duty ([Code of Virginia § 18.2-465.1](#)) and as Officer of Election ([Code of Virginia § 24.2-119.1](#)).
- f. Supervisors are responsible for ensuring that all employees' leave is accurately reported and approved in Web Time Entry.

