



OLD DOMINION UNIVERSITY

University Policy Template

Policy #6302

CIVIL AND ADMINISTRATIVE LEAVE FOR ADMINISTRATIVE AND PROFESSIONAL FACULTY, CLASSIFIED STAFF, AND WAGE EMPLOYEES

Responsible Oversight Executive: Vice President for Talent Management and Culture

Date of Current Revision or Creation: June 6, 2023

A. PURPOSE

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.

B. AUTHORITY

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning institution. Section 7.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

C. DEFINITIONS

Administrative and Professional (A/P) Faculty - Employees who perform work directly related to the management of the educational and general activities of the institution, department or subdivision or whose professional positions serve the educational, research, athletic, medical, student affairs, and development functions or activities of the institution.

Administrative Summons - An official document requiring the presence of the named individual for a specified legal procedure.

Employee Assistance Program - The counseling service available to employees who participate in a State health plan for resolving issues affecting the employee's behavior and/or performance in the workplace.

Civil and Administrative Leave - A non-accruing leave type for use under the specific circumstances explained in this policy.

Classified Employee - A salaried employee whose terms and conditions of employment are subject to the [Virginia Personnel Act, Code of Virginia Section 2.2-2900 et seq., as amended](#), and who is employed in a classified position.

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.

Wage Employee - A non-salaried employee who receives pay for hours worked and is not covered by the provisions of the Virginia Personnel Act. Wage employees are sometimes referred to as hourly employees. Wage employees have no guarantee of employment for a particular term or a particular daily or weekly work schedule; they serve at the will of the designated hiring official and may be terminated at any time.

Web Time Entry (WTE) – A web-based system designed to enable employees to submit hours worked and leave information electronically, eliminating the paper. Submission of time slips, time and attendance forms, leave activity forms, and leave reports.

D. SCOPE

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

E. POLICY STATEMENT

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 the employee's civic duty, and
2. Paid leave related to workplace issues as follows:
 - a. To attend work-related administrative hearings as a party or witness.
 - b. To cover periods of investigation as approved by Talent Management and Culture and senior management.
 - c. To provide paid leave during the due process period.
 - d. Being placed on paid administrative leave does not imply any form of disciplinary action or sanction.
 - e. An employee may be placed on administrative leave regardless of whether they are the subject of an investigation.
 - f. An employee may be placed on administrative leave to protect the integrity of an ongoing investigation.
 - g. An employee may be placed on administrative leave to protect, as much as possible, their health, safety, and welfare, and that of the University community.

Reasonable travel time is permitted with approved civil and administrative leave.

Wage employees are not eligible to receive paid leave time; however, supervisors are reminded that such employees may be called to jury duty and other civic responsibilities and should be released from work to fulfill those obligations. There may be instances when a wage employee may be placed on administrative leave without pay to address certain situations that impact University operations.

Civic Reasons

1. Civic Duties
 - a. Civil and administrative leave must be granted to employees to fulfill the civic duties and functions listed below.
 - i. as required by a summons to jury duty;
 - ii. to appear as a crime victim or as a witness in a court proceeding or deposition as compelled by a subpoena or summons;
 - iii. to accompany the employee's minor child when the child is legally required to appear in court;
 - iv. to serve as an Officer of Election;
 - v. to serve as a member of a State council or board; and
 - vi. to attend their own naturalization ceremony.
 - b. Civil and administrative leave is not granted for use by an employee:

- i. who is a defendant in a criminal matter, where criminal matter means either an alleged misdemeanor or felony;
- ii. who has received a summons to appear in traffic court (except as a witness); or
- iii. who is a party to a civil case, either as a plaintiff or defendant, or who has any personal or familial interest in the proceedings.

2. Provision for Crime Victims

- a. Supervisors shall allow an employee who is a victim of a crime to be present at all criminal proceedings relating to a crime against the employee, as long as the employee has provided the supervisor with a copy of the form provided to the employee by the law enforcement agency pursuant to the [Code of Virginia § 19.2-11.01](#) and, if applicable, provided the University a copy of the notice of each scheduled criminal proceeding that is provided to the employee as victim.
- b. Paid civil leave shall apply when the employee's presence at legal proceedings is compelled by subpoena or summons.
- c. Employees may use existing annual, overtime, compensatory, recognition, and/or family and personal leave balances for court proceedings that do not qualify for paid leave; however, supervisors must provide unpaid leave if requested.
- d. Supervisors may limit the paid or unpaid leave provided under this section if the employee's absence creates an undue hardship for the department.
- e. Annual and traditional sick leave will not accrue in any semimonthly pay period in which an employee takes unpaid civil leave that places them in a leave without pay or pay-docking status.

3. Jury Duty

- a. As required by the [Code of Virginia §18.2-465.1](#), employees who appear for jury duty for four or more hours in one day, including travel time, will not be required to start a work shift that begins on or after 5:00 p.m. on the day of that service or that begins before 3:00 a.m. on the day following the jury duty.
- b. No adverse employment action shall occur as a result of employee use of civil and administrative leave for this purpose, and employees may not be compelled to charge the time off to personal leave.
- c. Work shifts missed in compliance with this provision will be charged to civil and administrative Leave.

4. Officer of Election (when Election Day holiday is observed by the University)

- a. If otherwise eligible for the holiday, salaried employees who serve as Officers of Election will receive holiday pay and may retain any payments provided by the locality for their related services on election day.
- b. As required by the [Code of Virginia § 24.2-119.1](#), employees who serve as an Officer of Election for four or more hours in one day, including travel time, will not be required to start a work shift that begins on or after 5:00 p.m. on the day of that service or that begins before 3:00 a.m. on the day following the Officer of Election service.
- c. No adverse employment action shall occur as a result of an employee's use of civil and administrative leave for the purpose of serving as an Officer of Election or at a meeting 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 in the course of performing their job, the agency may grant civil and administrative leave for that court appearance

6. State Councils and Boards

- a. Employees who are members of councils, commissions, boards, and committees appointed at the State level may request civil and administrative leave to fulfill their responsibilities for serving on these collegial bodies.
- b. Employees may not accept fees for serving on state councils, commission, boards, etc., unless specifically provided otherwise by law. Employees may retain reimbursements for expenses incurred in serving on such bodies provided they do not receive reimbursement for the same expenses by the university as stipulated in the [Code of Virginia § 2.2-2813](#).
- c. Employees serving on boards or committees as a required or approved part of their employment with the Commonwealth do not charge the work time to either civil and administrative leave or accrued leave but treat it as work time. Such work hours count toward the 40-hour threshold for overtime payment for Fair Labor Standards Act nonexempt employees.
- d. Civil and Administrative Leave is not available for time to serve on boards, councils, or other bodies that are part of or established by other entities including local governments.

Work-Related Activities

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
 - iii. to attend one initial session with the Employee Assistance Program (EAP) per qualifying incident. Employees who are not eligible for the EAP because they have waived State health coverage may consult with Talent Management and Culture for more information.

2. Interviewing for State Jobs

- a. Employees may request and use civil and administrative leave for the actual time, including reasonable travel time, necessary for interviewing for other State positions. Supervisors may require verification of the time required.
- b. Supervisors may establish reasonable limits for this use of civil and administrative leave. Employees must pay for any expenses incurred in interviewing for other State positions and must provide their own transportation.

3. Resolution of Work-Related Conflicts or Complaints

- a. Employees who are grievants, witnesses, or representatives of grievants in a grievance initiated under the State Grievance Procedure will be granted reasonable time, including reasonable travel time, as civil and administrative leave to participate in grievance proceedings.
- b. Grievants, witnesses, and representatives of grievants may use civil and administrative leave to attend management step meetings and all hearings related to the grievance. Whenever possible, supervisors should reschedule employees who regularly work the evening or night shift to a day shift schedule during the periods when they are requested to appear in grievance proceedings or related court hearings.
- c. Supervisors may establish reasonable limits to civil and administrative leave for employees representing grievants.
- d. Civil and administrative leave will be granted to employees for the following:
 - i. to prepare as a grievant for the grievance procedure; supervisors may establish reasonable limits for this use of civil and administrative leave to prevent abuse of State time;
 - ii. to meet with Talent Management and Culture representatives and/or with the Commonwealth's Department of Human Resource Management's Office of Equal Employment and Dispute Resolution in accordance with the grievance procedure or related to a work matter affecting the employee for which a grievance has not been filed;
 - iii. to meet with Talent Management and Culture for the purpose of discussing work problems related to violations of the State's Equal Employment Opportunity Policy (Policy 2.05); or
 - iv. to participate in activities and proceedings of the mediation program.

- e. Civil and administrative leave will not be granted to employees for the following:
 - i. to meet with their attorneys.
 - ii. to cover periods of pre-disciplinary leave.
- 4. Employee Assistance Program & Fitness for Duty
 - a. An employee may use civil and administrative leave for their initial meeting for any covered service with a counselor from the Employee Assistance Program (EAP), or with another behavioral health service provider if (1) the supervisor has advised the employee to modify workplace behavior and has recommended certain counseling, such as anger management.
 - b. Absence from work for subsequent meetings or appointments will be charged to the employee's available leave balances, as appropriate, or to leave without pay.
 - c. An employee may be placed on paid administrative leave pending the completion of a Fitness for Duty Assessment and release to return to work period. Being placed on paid administrative leave does not imply punitive or disciplinary action in this instance.
- 5. Unemployment Compensation and Workers' Compensation Hearings
 - a. Civil and administrative leave is granted for claimants and witnesses to attend hearings in compliance with an official notice from the appropriate authority.
 - b. Employees whose job responsibilities include attendance at unemployment or workers' compensation hearings will have time spent at such hearings included in their hours worked.

F. PROCEDURES

- 1. Charging Time to Civil and Administrative Leave
 - a. Employees should request use of civil and administrative leave as far ahead of time as possible.
 - b. Employees may only charge the time away from work that is necessary to perform the appropriate duties plus reasonable travel time.
 - c. Supervisors may require documentation of the event to verify that the event qualifies for civil and administrative leave.
 - d. Employees whose duties under civil and administrative leave conclude in time to complete a work shift should either return to work or request approval to charge the remainder of the shift to an appropriate leave type such as annual, compensatory, overtime, recognition, or family and personal leave.
 - e. Whenever possible, supervisors should reschedule employees who regularly work the evening or night shift to a day shift schedule during the periods when they are required to appear in court proceedings to facilitate compliance with legal and policy provisions.
- 2. Compensation/ Reimbursement for Civil Service
 - a. Employees using civil and administrative leave may not retain payment (except for expenses noted below) for services rendered as a juror, witness, or Officer of Election. Those who choose to retain such payments must charge the absence to annual, compensatory, overtime, recognition, or personal/family leave.
 - b. To charge absences from work to civil and administrative leave, employees must submit to their supervisor any payments for services rendered. Failure to submit such payments within a reasonable period of time as determined by the supervisor will result in the

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.

H. RECORDS RETENTION

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

I. RESPONSIBLE OFFICER

Assistant Vice President for Human Resources and Strategic Initiatives

J. RELATED INFORMATION

[DHRM Policy #4.05 - Civil and Work-Related Leave](#)

[University Policy 6301 – Bone Marrow and Organ Donation Leave](#)

[University Policy 6303 - Emergency Disaster Leave](#)

[University Policy 6304 - Military Leave](#)

[University Policy 6305 - School Assistance and Volunteer Service Leave](#)

[University Policy 6306 – Immediate Recognition](#)

POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

Responsible Officer

Date

Policy Review Committee (PRC) Approval to Proceed:

/s/ Donna Meeks
Chair, Policy Review Committee (PRC)

November 30, 2022
Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

/s/ September Sanderlin
Responsible Oversight Executive

May 26, 2023
Date

University Counsel Approval to Proceed:

/s/ Allen T. Wilson
University Counsel

June 5, 2023
Date

Presidential Approval:

/s/ Brian O. Hemphill, Ph.D.
President

June 6, 2023
Date

Policy Revision Dates: June 6, 2023

Scheduled Review Date: June 5, 2028