

PERSONNEL – DEFINITIONS

The Albemarle County School Board (“Board”) will maintain standard definitions of employment and will classify employees in accordance with these definitions, unless otherwise stated by policy or the Code of Virginia.

A. At-Will Employment

All employees of the Board and Partner Agency employees bound to this policy and/or other employment related Albemarle County Public Schools (“Division”) policies are “employees at-will” and for any lawful reason or for no reason in the absence of a written employment contract signed by the Albemarle County Superintendent of Schools (“Superintendent”) or on authority from the Board expressly contradicting the at-will status. Neither this policy nor any other Board policy shall be construed to constitute a contract. All such policies are subject to change at any time.

B. Board Members

Members of the Board are elected officials and are not considered employees of the Division.

C. Classified Employees

Classified personnel are those employees of the Board who are not contracted teachers. These employees are normally paid on the Division administrative/classified pay scale or other approved scale. Exceptions must be approved by the Director of Human Resources/designee.

D. Employees of the Board

"Employees of the Board" means all persons working for the Board in exchange for money, except for independent contractors, volunteers, and employees of Partner Agencies. All unspecified references to “employees” shall refer to all the employees of the Board except the Superintendent

E. Essential Personnel

To ensure efficient business operations, certain staff may be required to report to job sites during periods of building closure and delays impacting the Division, such as inclement weather. Employees who are regularly expected to work during building closures are designated as essential personnel in the job description. Supervisors should ensure that employees are aware of the appropriate reporting schedules for different situations. If an employee designated as essential in the job description is not required by the supervisor to report to work for building closure, he or she is considered non-essential on that day.

F. Licensed Administrators

Licensed administrators are those classified employees who work in leadership/supervisory capacities, are normally paid on the administrative/classified pay scale, are issued written contracts, and are required by the Virginia Department of Education to hold a valid license issued by the Commonwealth of Virginia for their positions.

G. Non-Licensed Administrators

Non-licensed administrators are those classified employees who work in leadership/supervisory capacities and are normally paid on the administrative/classified pay scale. They are not issued written contracts and are not required by the Virginia Department of Education to hold licenses for their positions.

H. Partner Agency

A Partner Agency is a public agency/organization which uses and relies upon the Division and Albemarle County Local Government (“County”) financial systems, including payroll, and has agreed in writing to follow some or all Division and/or County policies. Employees of Partner Agencies remain employees of their respective Partner Agencies. They are not employees of the Division or County and are not entitled to any of the rights, privileges, or benefits related to employment with either unless otherwise agreed upon in writing by the Board/designee or expressly provided by policy.

I. Substitute Teacher

Those temporary employees who are (i) employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence or (ii) employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the State Superintendent of Public Instruction on a case-by-case basis, during one school year.

J. Teachers

“Teacher” shall mean a person who is required to hold a valid teaching or specialist license and/or is paid on the teacher pay scale. Teachers are issued contracts and license waivers in accordance with the Code of Virginia and the Virginia Department of Education.

K. Temporary Employees

Temporary employees are those hired for a specific period of time or for the duration of a specific project, activity, or group of assignments. Temporary employees shall not expect continued employment or employment for an indefinite term. Employees working as

substitutes in the absence of incumbents for regular positions are also considered temporary employees. Pay is based upon an established or agreed-upon rate exclusive of the teacher pay scale or the administrative/classified pay scale. Unless specified in an Employment Agreement establishing terms and conditions of employment and any benefits provided thereunder or by Board policy, temporary employees are not granted the rights, privileges, or benefits of regular employees.

L. Volunteers

Those who provide services to the Division without compensation from the Board are not employees and are not granted the rights, privileges, or benefits of employment; however, they may be paid expenses, reasonable benefits, a nominal fee, or any combination thereof, for their services without losing their status as volunteers. Volunteers may be required to follow some Board policies as determined by the Superintendent/designee and/or the Department of Human Resources (“Human Resources”).

Division employees may provide volunteer services, but only if such services are (i) provided freely and without pressure or coercion from a supervisor or superior and (ii) not the same type of service for which they are employed.

Adopted: July 1, 1993

Amended: July 8, 1996; December 8, 1997; August 16, 2004; January 27, 2011; October 11, 2012; January 22, 2015; October 18, 2018; January 10, 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-293; 22.1-295; 22.1-313.

8 VAC §§20-440-10 *et seq.*

Cross Ref.: GC, *Licensed Staff*

GCB, Licensed Staff Contracts

GCG, Licensed Staff Probation and Tenure

G CJ, Licensed and Classified Staff Schedules, Time Tracking, and Compensation

GCQC, Coverage of Schools Due to Weather and/or Emergency

PROCEDURE FOR COMPLIANCE

A. Types of Employment

1. Regular - Employment in an approved, budgeted, non-temporary, full-time or part-time position that is part of the regular Board workforce. The term “permanent” means the same as “regular” as these terms are used interchangeably throughout Board policies. The use of the term “permanent” does not confer any right, privilege, or benefit of employment beyond that provided by Board policy or written contract of employment and does not impose any obligation, burden, expectations, or contract of continued employment, implied or otherwise, on behalf of the Board.
 - a. Full-time - Employment in an established position that meets the requisite hours per workweek and weeks per fiscal year for that position.
 - b. Part-time - Employment in an established position requiring less than the hours designated as full-time for that particular position.
 - c. Probationary - Non-temporary, non-licensed, full-time or part-time employees newly assigned to authorized positions. Probationary periods are established based upon the position. Probationary employees are at-will and are not eligible to utilize grievance procedures.

For licensed employee probation, refer to policy GCG, Licensed Staff Probation and Tenure.
 - d. Non-probationary - Those regular employees who have successfully completed the prescribed probationary period.
2. Temporary - Employment is on a day-to-day basis and not part of the regular Board workforce.

B. Months Worked

The following designations shall apply. Exceptions must be approved by the Director of Human Resources/designee.

1. 10-month Employees - Those employees whose positions primarily follow the student calendar. Days worked per school year is generally 210 or fewer, but may extend to 219. While actual work may be performed in these months, July and August are not considered months worked for benefits and payroll calendar purposes.

2. 11-month Employees - Those employees whose positions primarily follow the student calendar, but have additional responsibilities throughout the year, including the summer. Days worked per school year is generally 220 to 240, but may extend to 259. While actual work may be performed in this month, July is not considered a month worked for benefits and payroll calendar purposes.
3. 12-month Employees - Those employees who work the entire fiscal year. Days worked is 260.

C. Extent of Participation in Benefits

1. Employee Status
 - a. Full-time Regular: Full-time regular employees are eligible for all employment benefits available under Board policy.
 - b. Part-time Regular: Must be at least half-time (50%) of the full-time equivalency [FTE] for that position) to be eligible to participate in prorated medical and dental benefits, leave benefits, and applicable retirement and life insurance programs. If less than half-time, employees are not benefits eligible. Employees hired prior to the implementation of this policy (i.e. October, 1985) and who received benefits, will not lose such benefits.

When an employee holds two (2) or more part-time regular positions, the positions' FTEs may be combined to determine eligibility for medical and dental benefits, leave benefits, and applicable retirement and life insurance programs. However, an employee must be full-time regular in a single position to participate in the Virginia Retirement System ("VRS").

The Board may extend certain benefits to groups of part-time employees at rates established for full-time employees.

- c. Temporary: Temporary employees are not eligible for benefits, unless approved by the Director of Human Resources/designee.
2. Eligibility for Insurance Benefits
 - a. New employees are eligible for medical and dental insurance coverage the first day of the month following the month in which they are hired. Additional payment or credit is not provided to employees who do not elect medical or dental coverage.

Except as provided under COBRA or other applicable law, medical and dental insurance coverage ceases on the last calendar day of the month for

which the premium was paid.

b. County Spouses

Benefits-eligible employees who are married to other benefits-eligible employees of the Board or the Albemarle County Local Government Board of Supervisors who are on Division/County insurance plans will be eligible for discounted medical and dental insurance. It is the responsibility of the employee to notify Human Resources of this situation and, upon notification, the change in contribution will be made for the next payroll period. The Board is not responsible for and will not make retroactive payments to employees who fail to provide this notification. In the event such married employees legally divorce, it is the responsibility of those employees to notify Human Resources immediately of the effective date of the divorce. Employees who fail to provide timely notice of the divorce will be required to reimburse the Board or the Board of Supervisors for any benefits received or premiums required for the period during which they were no longer eligible for dual contributions. This benefit may be extended to Partner Agencies per agreement.

c. Board Members are eligible to participate in all medical and dental insurance programs.

d. Volunteers are not eligible for benefits unless approved by the Director of Human Resources/designee.

D. Continuous Service

1. Definition - uninterrupted employment as a regular employee with the Division or County.
2. When agreed upon in writing by the Board/designee, regular employees moving between certain Partner Agencies and Division or County are considered continuously employed so long as they do not have a break in service.
3. Continuous service is broken by voluntary or involuntary termination of regular employment by the employee or the employer.
4. A transfer directly to a new position with no work time missed is not considered to be a break in service. Employees who work 10-month or 11-month positions do not have a break in service if they fulfill the preceding school year's employment period/contract and are provided a new position/contract by the time the new position would begin for the next school year. This includes contracts/employment for 12-month positions. The Director of Human Resources/designee may approve exceptions for transfers, promotions, and

demotions when continuous service may cause a business hardship, particularly with contracted employees. Employees are responsible for any applicable insurance premiums when changing positions and/or months worked.

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Cross Ref.: GBM, Licensed Teaching Staff Grievances
GBMA, Classified Staff Grievances
GCB, Licensed Staff Contracts
GCG, Licensed Staff Probation and Tenure GCN, Performance Review
GCPCC, Insurance