

PROFESSIONAL LEARNING TIME AND LEAVE

The Board encourages its employees to pursue educational opportunities which serve to improve the skills of the staff members and support the strategic goals Albemarle County Public Schools (“Division”). While student-centered staff are encouraged to arrange professional learning to minimize the disruption of services to students, the Board recognizes that staff may need to pursue professional learning opportunities during scheduled work. To this end, the Board has established procedures to assure the appropriateness of the course of study to the particular assignment, the amount of release time and payment involved, and the consistent application of this policy.

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Amended: July 8, 1996; December 8, 1997; September 12, 2019
Reviewed: March 28, 2013

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-79

PROCEDURE FOR COMPLIANCE FOR RELEASE TIME FOR PROFESSIONAL LEARNING TIME AND LEAVE

A. Eligibility

To assist employees in accomplishing Division and personal objectives, the Board offers non-exempt employees paid professional training time (Tier 1), paid professional learning supplemental pay (Tier 2), and unpaid professional learning schedule flexibility (Tier 3) based on the guidelines established in this policy.

Exempt employees are encouraged to pursue professional learning opportunities but are not eligible for additional straight time pay, overtime pay, or accrual of compensatory time leave. Exempt employees may have training costs paid as described in the tiers below. Exempt employees may be required by their schools/departments to keep records of professional learning time.

B. Requests

Principals/Department Heads/Designees may establish procedures for employees requesting time away from the regular duties for professional learning. The employee may be requested to provide information regarding the relevance of the program to the present position, the benefit to the organization in meeting current or future staffing needs, the likelihood of interruption in service to students, employees, or the public during the employee's absence, and the likelihood of other hardship.

C. Approvals

Principals/Department Heads/Designees shall decide to approve or deny all training requests, including training that is directly related to the employee's current position, after considering the above factors and any additional relevant school/departamental concerns. They are also responsible for developing and applying fair and consistent standards for approving and/or denying requests. Department heads/designees should consult with the Department of Human Resources for guidance and compliance with the Fair Labor Standards Act.

D. Key Terms

1. Directly Related to the Job Duties of the Employee's Current Job. For this policy, "directly related to the job" refers to the training that will directly enhance the employee's ability to successfully perform his/her current position. This training does not have to be required by a supervisor but must support the essential functions of the current job. The essential functions are the reason the position exists, such as a bus driver learning how to operate a bus.

2. Not Directly Related to the Job. For this policy, this training may incidentally enhance the employee’s knowledge, skills, and abilities (KSAs) to prepare the employee for expanded duties or promotional consideration in the future, such as an office associate not required to perform bookkeeping responsibilities taking a bookkeeping class.
3. Not Related to the Job. For this policy, “not related to the job” refers to training that may enhance an employee’s knowledge, skills, and abilities (KSAs) but in a capacity that does not pertain to the essential functions of the employee’s current job. This type of training would not be expected of an employee in the employee’s current position. These KSAs might prepare the employee for a different job and/or field, such as a custodian taking vehicle maintenance classes.
4. Ordinary and Necessary Business Expenses. For this policy, Principals/Department Heads/Designees are responsible for determining whether training related costs are considered ordinary and necessary business expenses. They should consult with Finance’s payroll department for guidance and consistency as this is regulated by the Internal Revenue Service.
5. Training or Professional Learning. For this policy, the terms “training” or “learning” are used generally to include courses, lectures, meetings, classes, workshops, seminars, conferences, or any other types of relevant professional learning or development. The employee may be the trainer or a participant.

E. Tier 1

1. Guidelines. Professional learning is classified as Tier 1 when the training is:
 - a. Directly related to the job duties and essential functions of the employee’s current job; or
 - b. Required by the supervisor, even if it isn’t directly related to the job duties of the employee’s current job.
2. Professional Training Time. Non-exempt employees who are approved to attend Tier 1 training will be paid professional training time. This time is compensable as time worked. This time includes studying or homework outside of training sessions, regardless of whether the studying/training takes place during or outside of the ordinary work schedule. This time does not include social hours or hours spent sleeping or eating when training/work is not occurring.

If an employee on his/her own initiative, without Principal/Department Head/Designee approval, attends an independent school, college or independent trade school after work hours, the time is not hours worked even if the courses are directly related to the employee's current job.

3. Study Time. Principals/Department Heads/Designees may set reasonable limits for non-exempt employees on the number of hours that may be spent studying outside of the work schedule. If an employee needs additional time beyond the set amount, he/she must discuss this with the Principal/Department Head/Designee and obtain the Principal/Department Head/Designee's express approval before exceeding the set limit.
4. Travel Time. For non-exempt employees, travel time to attend Tier 1 training is compensable as time worked.
5. Expenses. Training fees and related expenses such as mileage may be paid based on the following guidelines and in accordance with established processes and procedures:

When approved, Principals/Department Heads/Designees may authorize the department's payment of, or reimbursement to employees, for the following:

- a. Related expenses for training, conferences, and/or classes, except any tools or supplies that the employee is allowed to keep at the end of the course (this does not include required textbooks);
- b. Professional licenses and certifications;
- c. Professional memberships; and/or
- d. Dues to clubs/leagues/professional organizations when the employee is performing duties for the Division that are related to the professional organization's focus or mission.

F. Tier 2

1. Guidelines. Professional learning is classified as Tier 2 when the training is:
 - a. Voluntary;
 - b. Not directly related to the job duties or essential functions of the employee's current job; and
 - c. The employee arranges and attends at his/her own initiative.

2. Professional Learning Supplemental Pay. Professional learning supplemental pay is a benefit to be used sparingly. Non-exempt employees interested in pursuing Tier 2 learning will need to be approved to work an alternative schedule (flex time) to accommodate the training. Principals/Department Heads/Designees may approve non-exempt employees for professional learning supplemental pay up to the employee's base weekly hours for work time that cannot be made up in the same workweek due to a lack of available work or other workload constraints. This will allow employees to attend training without having their salaries reduced. Professional learning supplemental pay may also be applied to time spent studying or completing homework outside of training sessions. It does not include social hours or hours spent sleeping or eating when training is not occurring.

Tier 2 training and training-related activities are to occur outside of the employee's work schedule, are not hours worked, and do not count towards the maximum allowable hours for overtime.

Training that is denied as Tier 2 may be approved for annual leave, or other leave available to the employee under Tier 3.

3. Professional Learning Limits. The Principal/Department Head/Designee may limit the number of hours for which the school/department will supplement pay.

4. Travel Time. Principals/Department Heads/Designees may also approve professional learning supplemental pay for time spent traveling to training up to the non-exempt employee's base weekly hours for work time that cannot be made up in the same workweek due to a lack of available work or other workload constraints.

5. Expenses. Principals/Department Heads/Designees should not pay training fees, mileage, or related expenses for Tier 2 training, unless it is an ordinary and necessary business expense. Employees may apply for tuition reimbursement in

accordance with established policies and procedures if training was not otherwise paid for by the Division.

G. Tier 3 Guidelines

1. Guidelines. Professional learning is classified as Tier 3 when the training is:
 - a. Voluntary;
 - b. Not related to the job duties and essential functions of the employee's current job; and
 - c. The employee arranges and attends at his/her own initiative

2. Flex Time/Leave. In order to support and retain employees, Principals/Department Heads/Designees are encouraged to allow all employees to flex time or use other available leave to support individual self-directed learning goals as long as it does not cause an undue hardship to the operation of the school/department. Principals/Department Heads/Designees should give serious consideration to leave requests for employees seeking training that would prepare them for other opportunities within the Division or Albemarle County Local Government.

If training occurs during the employee's scheduled work hours, the employee will have to work an alternative schedule (flex time) or use other available leave in accordance with Policy GCC, Leave Program. Tier 3 training is not eligible for professional learning supplemental pay. The use of other types of leave for this purpose is not hours worked and does not count towards the maximum allowable hours for overtime.

3. Travel Time. Travel time for Tier 3 travel is not eligible for professional learning supplemental pay and is not compensable as time worked.

4. Expenses. Principals/Department Heads/Designees should not pay training fees, mileage, or related expenses for Tier 3 training, as it is not an ordinary and necessary business expense. Employees may apply for tuition reimbursement in accordance with established policies and procedures.

H. Advanced Study

Some employees may wish to pursue advanced study by taking undergraduate or graduate-level classes at accredited institutions. Generally, education beyond what an

employee currently has will not be required for the employee's current position. Therefore, most advanced study will fall under Tier 3 training. If there is a question about the appropriate tier, Principals/Department Heads/Designees should consult with Human Resources to determine under which tier such classes may fall.

I. Reimbursement

When funds are available, reimbursement may be provided based on established procedures.

J. Other Provisions

Principals/Department Heads/Designees may require employees to present what was learned during their professional learning to the school/department as a report, presentation, or other training opportunity.

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Cross Refs.: GCC, Leave Program

GCJ, Licensed and Classified Staff Schedules, Time Tracking, and Compensation