

LICENSED AND CLASSIFIED STAFF SCHEDULES, TIME TRACKING, AND COMPENSATION

The Albemarle County School Board (“Board”) compensates employees fairly and in accordance with law for all time worked. The Board approves the annual staffing plan through the annual budget process each fiscal year. This policy establishes guidelines and expectations for employees and supervisors. These provisions shall be effective July 1, 2021-2024.

I. Staff Schedules

A. Teachers/ Instructional Staff

The hours of employment will depend on the length of time required to accomplish the objectives of Albemarle County Public Schools (“Division”). Licensed personnel are available for a reasonable time both before and after school to assist students and parents as the need may arise. Also, as part of the essential job duties to meet these Board objectives, staff are expected to attend meetings, training, professional learning, and other job-related events that occur during and outside of the regular student day without the expectation of additional compensation. Part-time teachers may also be required to attend job-related events outside of their regular student day and need to make plans accordingly.

Principals/department heads will set the beginning and ending times for their instructional staff with the approval of the Superintendent/Designee. Staff are expected to work their contracted amounts per workday with full-time teachers working a minimum of seven and one-quarter (7.25) hours per workday.

B. Classified Staff

Employees’ supervisors will determine their employee’s work schedules in accordance with any base weekly hours for that position and the school/departments’ needs. Principals/department heads/designees may require that employees work additional time, alternative schedules, or telework to meet the school/departments’ needs. To the extent possible, supervisors will give notice when work schedules or locations change so that employees can arrange their personal schedules.

C. Administrators

Licensed and non-licensed supervisors are expected to ensure there is adequate supervision of their schools/departments at all times. Work schedules may vary based upon Division needs. These staff are expected to work their allocated hours per week at a minimum.

II. Alternative Schedules and Telework

- A. Guidelines: Principals/department heads/designees may permit alternative work schedules or locations, and in accordance with the division telework policy, when:

1. the school/department can remain open to the public on all days other than posted holidays and emergency closings;
2. employees work the requisite number of hours for the posting; and
3. all applicable personnel policies are followed.

B. Rotating Schedules: In the event that a non-exempt employee (usually part-time) has a work schedule where the total weekly hours change from one workweek to the next, the employee’s base weekly hours will be classified based on the workweek with the fewer number of hours. The employee would then receive additional pay when a greater number of hours are worked in the workweek due to the Division’s pay by exception system.

C. Flex Time: Non-exempt employees are paid based upon hours worked or leave taken during the workweek. In lieu of taking leave, a supervisor may allow an employee to work an alternative scheduled in a given workweek as long as all base weekly hours are accounted for within the workweek. Exempt employees may flex time with supervisor approval.

III. Overtime Compensation

Non-exempt employees are entitled to overtime pay or compensatory time leave in accordance with the Fair Labor Standards Act (“FLSA”) and Virginia Overtime and Wage laws for hours worked in excess of their maximum allowable hours at 1.5 times their regular rates of pay. The following regulation, G CJ-R govern overtime-. If any conflict arises between this regulation, G CJ-R, and federal and state law, the requirements of the law will govern.

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 Amended: December 8, 1997; January 14, 2010; June 12, 2014; April 23, 2015;
 June 9, 2016; January 10, 2019; May 23, 2019; August 8, 2019
 Reviewed: July 8, 2004; September 27, 2012, August 12, 2021
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Legal Ref.: 29 U.S.C. §201 et.seq.
 29 C.F.R. § 516.1 et seq.
 Code of Virginia, 1950, as amended, §§ 22.1-291.1, 40.1-28.8 et seq.

Cross Ref.: GBCA, Employee Discipline

 GCA, Personnel – Definitions
 GCBA, Salary Administration and Position Classification
 GCC, Leave Program
 GCLA, Professional Learning Time and Leave
 GCQC, Coverage of Schools Due to Inclement Weather and/or Emergency

GCQD, Emergency Staffing Situation

PROCEDURE FOR LICENSED AND CLASSIFIED STAFF SCHEDULES, TIME TRACKING AND COMPENSATION

I. OVERVIEW AND KEY TERMS

- A. **Base Annual Hours.** Each regular employee has a designated number of hours expected to work annually. This is the employee’s base hours per day times the base days per year.
- B. **Base Weekly Hours.** Each regular employee has a designated number of hours expected to work per workweek. This is base hours per day times the allocated days per workweek according to the Division calendar. While an employee’s actual daily work schedule may vary, the employee’s base weekly hours remain the same. For example, an employee with forty (40) base weekly hours may work five (5) eight (8)-hour shifts or may work four (4) 10-hour shifts.
- C. **Exempt Employees**-. Exempt employees are not eligible for overtime pay under applicable laws. Such positions are designated by the Department of Human Resources (“Human Resources”) and approved by the Superintendent/designee.
- D. **Full-Day Increments.** Full-day increments refer to the entire scheduled day and not a “day of leave” as defined in Policy GCC, Leave Program.
- E. **Half-Day Increments.** Half-day increments refer to one-half (1/2) of an employee’s scheduled day and not a “day of leave.”
- F. **Hourly Rate.** A regular employees’ hourly rate is the employees’ annual salary divided by the employees’ base annual hours.
- G. **Hours Worked.**
1. **General.** Non-exempt employees who work more than the maximum allowable hours in a workweek must receive overtime pay or compensatory time leave for their excess hours worked. Paid or unpaid time off during which the employee is absent from work are not “hours” or “time” worked for this purpose. For example, holiday, sick, annual, and compensatory leaves, leaves of absence, meal breaks, and building closures are not “hours worked”. Human Resources may also approve other such exceptions for determining the maximum allowable hours.
 2. **Breaks.** Rest breaks or meal periods are not required. However, supervisors will allow all employees time to attend to health and hygiene needs. Supervisors may designate specific times for break and meal

periods. Principals/department heads may establish location-wide standards to ensure efficient operations and service. Non-exempt employee breaks longer than twenty (20) minutes are not compensable as time worked if employee is relieved from duty and is free to leave the work site.

2.3. Travel Time. When non-exempt employees travel between work sites, time spent traveling to such sites is considered time worked. Ordinary travel between an employee's home and work is not considered hours worked, except as may otherwise be determined by Human Resources.

- H. Leaving Premises During the Work Day.** Employees shall not leave school premises during the established hours of employment without the permission of the principal/designee. Schools/departments may establish their own sign-out procedures for employees leaving the premises during the workday.
- I. Maximum Allowable Hours.** A non-exempt employee must be compensated for overtime once the employee has exceeded the maximum allowable hours, which is forty (40) hours within the workweek.
- J. Non-exempt Employees.** Employees who are subject to the FLSA's overtime requirements are considered non-exempt.
- K. Overtime.** This is time that non-exempt employees work in excess of the maximum allowable hours per workweek. The Division must compensate an eligible employee for time worked in excess of the maximum allowable hours by making monetary payment at 1.5 times the employee's regular rate of pay for each hour or portion thereof worked or by granting compensatory time leave at the rate of 1.5 times for each hour or portion thereof worked.
- L. Pay by Exception.** The Division operates on a "pay by exception" system for exempt (salaried) employees. Each regular exempt employee has a number of hours per fiscal year allocated as part of the Division's annual staffing plan. The annual hours are divided equally in the number of established pay cycles. The payroll system will pay this amount automatically unless the employee and supervisor submit adjustments to the base weekly hours such as ~~overtime or~~ leave without pay.
- M. Positive Pay.** The Division pays non-exempt (hourly) employees for time worked, paid leave taken, and other pay earned or awarded on a biweekly basis on an established pay schedule.
- M.N. Premium Pay.** This refers to additional compensation, exclusive of overtime, non-exempt employees may receive as an incentive for specific types of work, i.e. shift differentials.
- N.O. Regular Schedule.** All regular employees have a designated schedule each workweek based upon the base weekly hours. Changes to a non-exempt employee's regular schedule that impact the base weekly hours may cause changes to the employee's pay such as overtime or leave without pay.
- O.P. Straight Time.** This is a non-exempt employee's non-overtime work compensated at the employee's hourly rate.

P.Q. Work Schedules. The principal/department head/designee is responsible for establishing employee work schedules, including allowances for breaks and meal periods.

Q.R. Workweek. The Superintendent has established the official workweek as seven (7) days extending from Saturday at 12:01 a.m. to Friday at 12 midnight.

II. TRACKING TIME AND PAY ADJUSTMENTS

III.

A. Non-exempt Employees

1. Time Recording – All non-exempt employees must submit a timely accurate recording of their hours worked and leave taken. Failure to do so may result in disciplinary action.
2. Increments - Time worked is rounded up or down to the quarter-hour. Schools/departments may set reasonable expectations for adherence to work schedules. An employee may be counseled or disciplined for tardiness; however, pay will follow the rounding rules.
3. Reductions in Pay – ~~When a nonexempt employee misses work and has insufficient leave to make up the variance from base weekly hours, the employees will be docked pay for that workweek in fifteen (15) minute increments. If an employee does not work their scheduled hours or have applicable paid leave, the employee will see a reduction in their earnings.~~ Employees may also be docked pay for disciplinary purposes.

B. Exempt Employees

1. Time Recording - These employees are expected to follow established policies for time tracking and leave submission. Failure to do so may result in disciplinary action.
2. Increments - Exempt employees are compensated on a salary basis. The salary may be calculated on a daily or weekly basis depending on the position. Exempt employees are not paid based upon time worked.
3. Reductions in Pay
 - a. Teachers – These employees have a contract for a specific number of days of work, but may be docked pay in accordance with FLSA, the Family Medical Leave Act (“FMLA”), Workers’ Compensation laws, and other applicable laws. When a benefits-eligible teacher does not have sufficient leave to cover the missed work, pay may be docked in full-day increments. Benefits-ineligible teachers may have pay docked in full-day increments when a day of work is missed. For employees whose work schedules change from week to week, pay will be docked based on the time missed on the day of the absence.
 - b. Employees Other Than Teachers – These employees may be docked pay in accordance with FLSA, FMLA, Workers’ Compensation laws, and other applicable laws. Generally, pay may be docked for partial weeks worked during the first and last weeks of employment and situations where a benefits- eligible employee has insufficient leave accrued or chooses to take leave without pay. Pay must be docked in full-day increments,

excluding exceptions required by law. Benefits-ineligible employees may not be docked pay when work is performed in the workweek unless permitted by law. Supervisors may require any exempt employees to make up missed work in another workweek.

- c. ~~-Discipline – Any exempt employee may be docked pay in full-day increments for disciplinary purposes.~~

III. OVERTIME PAY

A. Eligibility to Earn Overtime/Compensatory Time Leave

1. Non-exempt Employees. Unless excluded by law, all non-exempt employees who work more than forty (40) hours within a workweek will receive overtime pay and/or compensatory time leave. Temporary employees are not eligible to receive compensatory time leave, but are eligible to receive overtime pay.
2. Exempt Employees. Exempt employees do not earn overtime. However, principals/department heads may grant time off in recognition of time worked beyond normal work schedules.

B. Calculation of Overtime/Compensatory Time Leave

~~Calculation of overtime will be as follows:~~

All non-exempt employees are to be compensated for overtime. This compensation may be monetary or through the accrual of compensatory time leave. Time is calculated based on the entire workweek and not on a daily basis. Overtime is not earned until 40 hours have been physically worked in the workweek. Calculation of overtime/compensatory time leave shall be as follows:

1. Overtime. All non-exempt employees who work over forty (40) hours within the workweek are paid overtime pay.
2. Compensatory Time Leave. A non-exempt regular employee may be compensated at the rate of one and one-half (1.5) hours of compensatory time leave for each overtime hour worked instead of overtime pay referenced in B.1. The employee and supervisor must agree to compensatory time leave as compensation. If a supervisor is offering only compensatory time leave as payment, the employee must agree to accept compensatory time leave or be able to decline the additional work. Otherwise, overtime pay must be provided for required additional work. Temporary employees are not eligible for compensatory time leave in lieu of overtime pay.
2. Compensation for Additional Non-Overtime Work. When a non-exempt employee works more than his/her base weekly hours, but less than 40 hours, the employee must be paid his/her hourly rate (straight time) for those excess hours worked. Compensatory time leave may not be earned in this circumstance.
3. _____

4.4. Dual Job Employees

a. Two (2) or More Non-exempt Positions: Employees who work in two (2) or more non-exempt positions during the workweek, all such time worked counts towards the maximum allowable hours. These employees will be paid overtime at the blended overtime rate or earn compensatory time leave in accordance with paragraph B.2. above. Principals/department heads shall consult with Human Resources for guidance regarding the payment of overtime compensation to such employees.

a._____

a.b. Exempt and Non-exempt Positions: The eligibility for overtime is determined by the primary position (the position with the highest percentage of hours worked). When the primary position is non-exempt, all work performed in both positions contribute to the total hours for the workweek. When the primary position is classified as exempt, the employee is not eligible to earn overtime or compensatory time. ~~However, the~~The employee may receive straight time pay for hours worked in the workweek beyond the base weekly hours in the non-exempt position.

c. Non-exempt Regular and Temporary Positions: If a non-exempt regular employee also has time worked in a non-exempt temporary position during the workweek, all such time worked counts towards the maximum allowable hours. The supervisor of the regular position may deny the earning of compensatory time leave in lieu of overtime pay, regardless of which position(s) contributed to the overtime hours. If a supervisor denies compensatory time leave, overtime must be paid at the blended overtime rate.

d. Non-exempt Regular Employees Working Exempt Temporary Positions: As long as the exempt temporary position is occasional and sporadic, the hours worked in the temporary position do not count towards the maximum allowable hours. Supervisors of temporary positions shall contact Human Resources before scheduling any non-exempt regular employee for exempt work.

b._____

C. Compensatory Time Leave Payouts

1. ~~Maximum Balances: Employees may not earn compensatory time leave in lieu of overtime pay as of July 1, 2021, per Virginia Wage and Overtime law. Eligible non-exempt employees may accrue up to 80 hours of compensatory time leave. Compensatory time must be used by June 30th of the fiscal year in which it was earned; any remaining balance will be paid out at the employee’s current regular rate at the conclusion of that fiscal year. – Non-exempt~~

1._____

~~employees with balances below the maximum balance may continue to use previously accrued compensatory time leave until balances are exhausted or may be paid out as per below. Non-exempt regular employees may accrue up to one hundred (100) hours of compensatory time leave through June 30, 2021.~~

2. Job Changes: Upon termination of regular employment, non-exempt employees will be paid for unused compensatory time leave. A non-exempt employee who is transferring to another department or who is changing from a non-exempt position to an exempt position will be paid for the unused compensatory time leave balance or reach an agreement with the current department head to use any accumulated compensatory time leave.
3. Compensatory Time Leave Payout Requests: Principals/department heads may periodically offer, or may approve employee requests of, partial or full payouts of accrued compensatory time leave subject to budgetary considerations. Offer must provide equal access to all eligible non-exempt employees. Principals/department heads may not make payouts under the maximum compensatory time leave balance without employee approval.
4. Compensatory Time Leave Payout Rate.
 - a. During Employment: When it is paid during the course of employment, compensatory time leave is paid at the employee's current regular rate.
 - b. Upon Termination: When it is paid upon termination, compensatory time leave is paid at a rate at least:
 - ~~i.~~ _____ the average regular rate the employee received during the last three
 - ~~i.~~ _____ (3) years of employment; or
 - ii. the employee's final regular rate, whichever is higher.

D. Employer Responsibilities

1. Managing the Accrual of Overtime. Principals/department heads/designees may require that employees work additional time or overtime to meet the needs of the school/department. They are also responsible for managing non-exempt employees' hours whenever possible to avoid overtime. If an employee works more than the designated work hours in a day, the supervisor may adjust the employee's work schedule to avoid the accrual of overtime.

The Division will compensate an employee for any time worked in excess of the employee's base weekly hours. However, an employee may be disciplined for working unapproved hours.

2. Availability of Funds. Principals/department heads/designees will ensure that adequate funds are available to pay required overtime compensation and compensatory time leave payouts.
3. Scheduling Compensatory Time Leave. (See Policy GCC, Leave Program)
4. Recordkeeping. Principals/department heads/designees will ensure that all non-exempt employees complete and submit timely accurate records of their hours worked and leave taken. They shall also ensure that exempt staff submit timely and accurate leave records.

E. Employee Responsibilities

Authorization for Overtime. Non-exempt employees may work additional time beyond their scheduled hours only with prior authorization from their supervisors. Hours worked are compensated, but failure to receive prior authorization may result in disciplinary action.

IV. ON-CALL AND CALL-BACK COMPENSATION

A. On-Call Compensation

1. Purpose. Employees may be required to be available to return to work or “on-call” during a scheduled twelve (12)-hour period. Principals/department heads/designees may schedule employees to be on-call for shorter periods based on business needs. On-call pay is a form of recognition pay for employees waiting to work who may have to stay within an area close enough to respond, need to stay within an area with cellular coverage, and may need to forgo personal activities.
2. Compensation and Eligibility. A temporary or regular non-exempt employee on-call is paid a flat premium of 1.25 times the employee’s hourly pay rate for each on-call period. When an on-call period is less than twelve (12) hours, an employee will still receive one unit of on-call pay for the period (on-call pay is not prorated). On-call periods are not time worked and do not count towards the maximum allowable hours for overtime.

For example, an employee who makes \$15.00/hour and is on-call for an eight (8)-hour shift would receive \$18.75 for one on-call period. If the on-call shifts were thirteen (13) to twenty-four (24) hours, the employee would receive \$37.50 for two (2) on-call periods.

Time spent by non-exempt employees on-duty while on-call are to be compensated for such time as time worked. Whether an employee is “on-duty” while on-call depends on a number of circumstances, including, being required to remain on the employer’s premises and being restricted from personal activities.

Exempt employees are not eligible to receive on-call compensation except under programs approved by the Director of Human Resources that are necessary to meet business needs.

3. Condition to Work. Employees who are on-call, must remain in a work-appropriate condition. This includes refraining from substances that impair the ability to work.
4. School/Departmental Expectations. Schools/departments may develop on-call guidelines and expectations for employees for on-call time based on departmental needs. Principals/department heads must submit their proposed guidelines to Human Resources for approval to ensure that they meet all applicable legal and policy requirements.

On-call compensation is authorized only if the on-call service meets all the following criteria:

- a. Service must be mandated.
 - b. On-call employees are expected to respond promptly to calls, resulting in partially restricted personal time of on-call employees. Specific response time may vary depending on school/departmental requirements.
 - c. No other employee is already on duty and available to perform the required services.
 - d. The school/department's on-call guidelines have been approved by Human Resources and the School Board Attorney.
5. Reporting to Work. An employee who is called in to work from on-call status is eligible for call-back compensation in addition to on-call pay and wages for time worked.

B. Call-Back Compensation

1. Purpose. There may be times when employees need to report back to work on short notice outside of their work schedules. Call-back pay is a form of recognition pay for when this impact on work-life balance is significant.
2. Definition. Call-back status occurs when a principal/department head/designee requires a non-exempt employee to report back to work outside of the employee's work schedule on less than twenty-four (24) hours' notice. Notice occurs when the employee is directed to report to work, or as otherwise defined by the school/department and approved by Human Resources in a manner consistent with the purpose of this benefit. Hours worked beyond the schedule which require an employee to stay at work are not eligible for call-back pay. Work schedule changes with more than twenty four (24) hours' notice are not eligible for call-back pay. Whenever possible, supervisors should give notice to employees when the need for call-back may occur, such as for an anticipated snowstorm.

3. Eligibility. Any regular non-exempt employee who is called backed as described above by the principal/department head/designee is paid call-back pay.

Temporary non-exempt employees who have regular work schedules are eligible for call back pay. Temporary employees, including substitutes, who work on an intermittent,

occasional, or sporadic basis are not eligible for call-back pay. While exempt employees may be called back to work with short notice, they are not eligible for call-back pay.

While exempt employees may be called back to work with short notice, they are not eligible for call-back pay.

- 4. Condition to Work. Employees who are called back to work must report in a work-appropriate condition that includes, refraining from substances that impair the ability to work. If an employee is not in a condition to work, the employee must disclose that to the supervisor before reporting for duty.
- 5. Compensation. The call-back compensation rate is 1.5 times the employees' regular hourly rate. This rate includes pay for time worked. If an employee exceeds the maximum allowable hours for the workweek, the employee will receive overtime pay for hours worked after reaching the maximum allowable hours instead of call-back pay. The employee may not receive both for the same hours worked.

Once an employee has been called back to work, the employee will be guaranteed a minimum of two (2) hours of call-back pay even if it is less than two (2) hours of work.

Ordinary travel/commute between an employee's home and work is not considered hours worked. Emergency travel time to a location other than the employee's regular place of business that requires travel of a substantial distance (more than the typical commute) is considered as hours worked. When work is completed, travel time home is not compensable.

An employee called back to work from "on-call" status is paid the on-call pay in addition to call-back pay.

If essential personnel receive additional pay due to building closure, they are not eligible for call-back pay for the same hours worked.

V. HOLIDAY PAY

Please refer to Policy GCC, Leave Program, for information on pay for work performed on a holiday.

~~**VI. SHIFT DIFFERENTIALS**~~

~~When an employee is assigned to work evening/midnight shifts, a pay differential will be paid as follows:~~

~~Evening: 4:00 p.m. — 12:00 a.m. ————— Four (4%) percent of the pay grade's minimum~~

~~salary for the position classification~~

~~Midnight: 12:00 a.m. — 8:00 a.m. ————— Five (5%) percent of the pay grade's minimum salary for the position classification~~

~~Employees must be assigned to a shift to be eligible for the differential. If an employee works a shift that encompasses day, evening, or midnight shifts, the differential will be paid based on the majority of hours worked in the respective shift. If an employee is part-time, the shift differential will be prorated.~~

~~**VII.VI. SHIFT DIFFERENTIALS** (Replaces Section VI. Above effective with the implementation of the time and attendance system.)~~

Non-exempt temporary and regular employees may be regularly or periodically scheduled to work evening or midnight shifts and may receive premium pay for such work. When an employee works five (5) or more hours in such a shift, the employee will receive the following percentage of their hourly rate for each hour worked in the range:

Evening: 3:00 p.m. – 12:00 a.m. Five (5%) percent of the hourly rate

Midnight: 12:00 a.m. – 9:00 a.m. Six (6%) percent of the hourly rate

Shift differential premium pay does not apply when less than five (5) hours of work are performed in the designated range. Although an employee may be regularly assigned to an evening or midnight shift, the shift premium is not paid when paid leave is taken and the employee will not be charged the premium for leave without pay.

~~**VIII.VII. BUILDING CLOSURES DUE TO INCLEMENT WEATHER AND/OR EMERGENCY SITUATIONS**~~

Employees may be required by their supervisors to report to work during building closure periods designated by the Superintendent/designee. Please refer to Policy GCQC, Coverage of Schools Due to Inclement Weather and/or Emergency, for more information. Compensation will be as follows:

A. Employees Required to Work

Any non-exempt regular employee who is required by the supervisor to report in to work (not telework) during building closure periods shall be deemed essential personnel and will be paid a premium equal to the employee's hourly rate for any time the employee works during the building closure period. This premium is in addition to the regular wages essential personnel earn for any time worked in accordance with this policy.

For example, if the building closure period is 6am-10am, the employee's work schedule is 8am-4pm, and the employee works 9am-4pm (no lunch break) the day of the closure as directed by the supervisor, the employee would receive one (1) hour of paid administrative leave due to building

closure (8am-9am),

one (1) hour of essential personnel additional pay due to building closure (9am- 10am), and seven (7) hours of pay for time worked (9am-4pm).

B. Employees Not Required to Work

Any non-exempt regular employee who chooses to work, including telework, when not required to report to work will not receive additional pay due to a building closure, but will be compensated for time worked as straight time or overtime as applicable.

C. Self-sustaining Programs

Some self-sustaining program employees may be required to report for work on a regular or modified schedule when schools and/or departments are closed. These employees will be compensated for time worked at straight time or overtime as applicable. They are not eligible to receive additional pay due to building closures. Temporary employees working in self-sustaining departments are not eligible for additional pay for building closures or administrative leave for building closures.

VIII. FIELD TRIPS

When an employee is away from the school due to a field trip with students as part of his/her work duties with prior approval by the Principal/Department Head/Designee, such time shall be compensable as time worked.

IX. PROFESSIONAL LEARNING

See Policy GCLA, Professional Learning Time and Leave for more information on compensable work time for training and learning activities.

X. COURT APPEARANCES/HEARINGS

When employees are subpoenaed or otherwise legally required to appear before a court or other with other local, state, or federal agency in their capacities as Division employees, the time spent in such proceedings is compensable work time.

Employees who are involved in such proceedings (excluding employee grievance proceedings) in their private capacity, whether such proceedings involve the Division or not, are not permitted to treat such time as compensable work time. Leave may be requested in accordance with Policy GCC, Leave Program.

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