



Commonwealth of Virginia Office of the Governor

EXECUTIVE LEAVE POLICY

This policy is intended to establish uniformity and guidance regarding leave for Gubernatorial Appointees ("At-wills").

I. EMPLOYEES TO WHOM POLICY APPLIES

The following policy applies to all "At-will" employees who do not participate in the traditional annual accrual leave program. "At-will" employees are defined as follows:

- Employees of the Governor's and Cabinet Offices
- Agency Head
- Chief Deputy (Agency)
- Confidential Assistant
- Policy Assistant

II. LEAVE POLICY

All "At-will" employees shall receive (25) days (200 hours) of all-purpose leave (includes sick, vacation and personal leave for employees not in VSDP) on January 15, of each calendar year, to be used by January 14, of the following year. The days shall be non-accruing, and will be prorated for "at-will" employees hired after January 15th, of a particular calendar year based on the following table.

Hire Date	# Days
Jan 15 - Jan 31	25
February	23
March	21
April	19
May	17
June	15
July	13
August	11
September	9
October	7
November	5
Dec-Jan 14	3

"At-will" employees enrolled in the Virginia Retirement System (YRS) program and the Virginia Sickness and Disability (VSDP) program shall also receive family/personal and sick leave hours pursuant to § 51.1-1100 of the *Code of Virginia*.

In part, the VSDP provides additional leave hours to eligible "At-will" employee as follows:

Months of Service	Type of Leave	Hours
Fewer than 120	Family/Personal	32
120 or more	Family/Personal	40
Fewer than 60	Sick	64
60 to 119	Sick	72
120 or more	Sick	80

"At-Will" employees may need to work holidays and weekends with no compensatory time provided.

III. CERTIFICATION OF USE

It is imperative that each "At-will" employee obtain, in advance, proper documented approval from their authorized supervisor before using any leave. Authorized supervisors include: the Chief of Staff, Cabinet Officers, and Agency Heads. "At-will" employees must maintain accurate records regarding the number of days used within the allotted time period. All leave should be entered into the electronic system of record. If an electronic leave system is not available, all "At-will" employees must certify by signature their leave use and that their established leave limit was not exceeded during the allotted time period on a template provided by HR. If a request for leave exceeds the allotted amount of leave remaining, prior approval must be obtained in writing from the Chief of Staff and the employee will be on leave without pay. All leave documentation must be maintained by the agency's Human Resource Office, and should be available for review by the Auditor Public Accounts.

IV. LEAVE TRANSFER

If an "At-will" employee transfers to a different "At-will" position, in a different agency, and has a leave balance, the balance shall transfer to the new agency. A letter certifying that the balance is accurate should be included with official transfer documents.

If an "At-will" employee transfers to a classified position, and has a leave balance, the balance cannot transfer.

Generally, employees transferring from classified positions to “At-will” positions will not be allowed to transfer leave balances. In some situations where a salary is not increased with the transfer, a newly appointed employee may request an exception to the Chief of Staff. The Chief of Staff is the only person who may approve exceptions.

V. LEAVE CARRYOVER

“At-will” employees participating in the executive leave program may carry over a maximum of 10 days of leave in any given year. A new allotment of leave (25 days) will be applied on January 15th of each year. The total maximum number of days allotted (with the addition of carry over) each year would be 35 days.

VI. SEPARATION AND LEAVE PAYOUT

“At-will” employees who choose to resign from their appointed position are expected to provide a minimum two-weeks’ written notice to their immediate supervisor, Cabinet Secretariat, and Chief of Staff. Resignations with more than two weeks’ notice can be modified at the discretion of the Secretary and Chief of Staff.

“At-will” employees participating in the executive leave program, who have been employed a minimum of six months and who separate from state government service, voluntarily or involuntarily, may be paid for their documented unused leave balance up to a maximum of 10 days (80 hours) less any leave used within eight (8) weeks of departure, or as authorized by the Chief of Staff or his designee.

"At-will" employees will not be compensated for unused leave after December 24, 2025. "At-will" employees participating in the Commonwealth's traditional annual leave accrual program shall be paid for their unused leave balances in accordance with established governing policy. "At-will" employees participating in the executive leave program, who are terminated for performance or misconduct reasons will forfeit their payout of unused leave.

VII. MEDICAL AND PARENTAL LEAVE

Leave for medical reasons beyond 3 days will need a note from a medical practitioner upon the return to work to validate the leave taken and should mention the physical limitations (if any) that may affect the employee's performance and safety in the workplace.

Continuation of salary during medical leave beyond the appointee's available leave balance is subject to verification of the appointee's condition by the treating physician(s), and the approval of the Chief of Staff. "At-will" employees enrolled in the Optional Retirement Program (ORP) and participants in the Executive Leave Program are NOT eligible to participate in the Virginia Sickness & Disability Program (VSDP), and thus do not have long-term or short-term disability benefits.

All "At-will" employees that are eligible for parental leave benefits conferred under Title 2.2 Chapter 12 of the *Code of Virginia* §2.2-1210 and DHRM Policy 4.21 Parental Leave, must submit a written request at least 30 days prior to the anticipated leave begin date as practicable.

VIII. TERM

This policy shall be in effect beginning December 4, 2023, and ending on January 16, 2026, unless otherwise amended or rescinded.

IX. POLICY EXCEPTIONS

Requests for exceptions to this policy must be directed to the Chief of Staff. Only the Chief of Staff can approve exceptions to this policy.

X. NOTICE OF RECEIPT

Each employee must acknowledge receipt of this policy by signing form ELP-001. The signed form shall become a part of the employee's permanent personnel record.

APPROVED:



Chief of Staff

12-8-23
Date