

# VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND

**Title: Educational Assistance and Leave**

**Policy Number: HR008**

## **POLICY**

The Virginia School for the Deaf and the Blind (VSDB) shall, dependent upon available funding and operational needs, support employees' pursuit of educational opportunities that will benefit the agency, enhance employees' current job performance, and improve their opportunities for advancement. The VSDB shall comply with all policies and procedures of the Department of Human Resource Management Policy No. 5.10, Educational Assistance, and Policy 4.15, Educational Leave. The additional procedures are unique to the school organizational structure and supplement the DHRM policies and procedures.

Virginia Department of Human Resources Management, Policy and Procedures Manual:

- Policy 1.40, Performance Planning and Evaluation
- Policy 1.60, Standards of Conduct
- Policy 4.15, Educational Leave
- Policy 5.10, Educational Assistance

Virginia School for the Deaf and the Blind Policy Manual

- Policy G0012, Travel
- Policy Number: HR004, Standards of Conduct
- Policy Number: HR005, Performance Planning and Evaluation

## **DEFINITIONS**

**Agency-Initiated Courses** – Educational courses required or suggested by the agency for which educational assistance will be provided.

**Educational Assistance** – Agency-provided assistance that supports employees' pursuit of approved educational courses, or the acquisition of job-related degrees, professional certifications or licenses.

**Educational Courses** – Credit or non-credit courses at an accredited high school, business school, community college, technical institute, college, university or other educational source.

**Educational Leave** – Authorized absence from the employee's work station for the purpose of participating in a job-related continuing education program. Educational leave may be paid or unpaid.

**Employee-Requested Courses** – Educational courses that are not required or suggested by the agency for which an employee requests that the agency provide educational assistance. Courses which are being taken to satisfy conditions of employment, such as licensure and certification, are considered employee-requested courses unless otherwise designated by the Superintendent.

**Satisfactory Completion** – Completion of undergraduate coursework with a grade of "C" or better, graduate coursework with a grade of "B" or better, or other job-related programs with receipt of the certificate of completion, professional certification or licensure. Courses with a pass-fail grading system require a "pass" grade.

**Tuition Payment** – Pre-payment of costs required for completion of an approved educational course or attainment of a certification or license.

**Tuition Reimbursement** – Reimbursement of costs or a portion of costs required for completion of an approved educational course or attainment of a certification or license.

## **PROCEDURES**

### **Employee Eligibility**

Any full-time or part-time classified employee or faculty member may be considered for educational assistance. Hourly (wage) employees are not eligible unless the requested course/program is agency-initiated. Educational assistance is designed for employees who are expected to continue in State service for a period that will justify such assistance.

### **Course Eligibility**

Education assistance may be provided when courses or degree programs meet one or more of the following criteria:

- Relate to current job duties.
- Provide new knowledge and skills to enhance job performance and/or support agency mission.
- Are required for job-related professional certification or license.
- Are required for a job-related degree program.
- Enhance the agency's ability to respond to current and future needs.
- Support the documented "Employee Development Plan" section of the employee's Employee Work Profile (EWP).

### **Types of Educational Assistance**

Educational Assistance provided under this policy may include:

- Adjustment of work hours.
- Use of personal leave.
- Educational leave.
- Tuition payment.
- Tuition reimbursement.

### **Adjustment of Work Hours**

Employees may be allowed or required to adjust their work hours to fulfill their normal work hours per week in order to attend approved courses. Adjusting work hours may include reducing an employee's work schedule; however, a classified employee's work schedule may not be reduced below 50% of a normal 40-hour a week work schedule without affecting the employee's health insurance benefits.

### **Use of Personal Leave**

Employees may be allowed to use their annual leave, compensatory leave, overtime leave, or family and personal leave, to attend approved courses.

### **Educational Leave**

Educational leave may be granted, at the discretion of the agency, for the purpose of allowing employees time to further their education through study related to their work or that of the agency. Employees may be provided educational leave with full or partial pay, or without pay.

Educational leave is limited to 12 months. Extensions to this leave, up to an additional 12 months, may be granted by the Department of Human Resources Management.

- Educational leave with full pay taken for 14 or fewer consecutive days, or taken on an intermittent basis, should be recorded on leave forms as “Educational Leave Taken” (Code: ET).
- Educational leave with full pay for periods exceeding 14 consecutive days, or educational leave with partial or without pay for any period should be recorded in the Personnel Management Information System (PMIS) as Educational Leave With Pay (PSE030) or LWOP – Educational (PSE132).

### **FLSA Impact**

For employees (non-exempt employees) who are covered by the overtime provisions of the Fair Labor Standards Act (FLSA), time spent in educational courses during regular work hours is considered hours of work for computing any overtime liability. Education time outside normal work hours is not considered hours of work for computing overtime if:

- The employee’s attendance is voluntary (employee-requested).
- The employee performs no productive work during such attendance.

### **Application Process**

The employee must submit an Application for Educational Assistance (Attachment 1) and an Educational Assistance Agreement as indicated below to the immediate supervisor before registration for courses. The application and appropriate agreement should be submitted at least 30 days prior to the start date of the course or degree program if possible.

Agreement Required – Educational assistance agreements that detail the benefits that will be provided and obligations of the employee and agency must be completed before educational assistance is provided.

Agency-Initiated Courses – Where courses are agency-initiated, the agency shall:

- Make payments directly to the institution, rather than reimbursing employees for their expenditures.
- Not require employees to refund tuition if they separate, either voluntarily or involuntary from employment with the agency.
- Not require work agreements for a specific period of time after course completion.

The Educational Assistance Agreement – Agency-Initiated at Attachment 2 shall be used for courses which are agency-initiated. The agreement must be approved by the Department Head and the Director of Human Resources.

Employee-Requested Courses – Where courses are employee-requested, the agency may reimburse the employee for all or a portion of the costs; however, such reimbursement will be limited to the employee’s registration and tuition fees. Courses which are being taken to satisfy conditions of employment, such as licensure and certification, are considered employee-requested courses unless otherwise designated by the Superintendent. When the agency provides educational assistance for employee-requested courses, the employee may be required to:

- Work for the agency up to one year following course completion.

- Repay educational assistance costs incurred by the agency, in certain situations.
- Forfeit educational assistance for unsatisfactory job performance under DHRM Policy 1.40, Performance Planning and Evaluation, or disciplinary action under DHRM Policy 1.60, Standards of Conduct.

The Educational Assistance Agreement – Employee-Requested at Attachment 3 shall be used for courses which are employee-requested. The agreement must be approved by the Department Head and the Director of Human Resources.

Supervisory Review – The application and agreement shall be submitted through the supervisory process as indicated below.

Department Head

- Reviews the application, ensures the requested program is job-related and meets the purposes for which assistance is allowed.
- Ensures the agency can operationally support any request for educational leave.
- Ensures the appropriate Educational Assistance Agreement accompanies the application.
- Submits the application and agreement to the Director of Human Resources.

Director of Human Resources

- Reviews the application and agreement for conformity with procedures.
- Coordinates with the Department Head and Business Manager to ascertain the availability and source of funding.
- Approves or disapproves the application and agreement on behalf of the Superintendent. A copy of each approved application will be sent to the employee with a copy to the department head. Disapproved requests will be returned through channels, with an explanation to the person making the request.
- Apprises the Superintendent of approved candidates.

### **Limits**

If a course/program is subsidized by another source (e.g., veteran's educational payments, scholarships, grant-in-aids, or other state educational assistance programs), tuition payment or reimbursement under this policy is limited to those costs not covered by the other source.

### **Waiver of Terms of Agreement**

The agency, at the Superintendent's discretion, may cancel any work or repayment obligation of the employee for good reason.

### **Tuition Payment**

Tuition payment is for agency-initiated courses only. The following expenses are included in tuition payments as indicated in the Application for Educational Assistance:

- An employee's registration or tuition fees.
- Certification or license fees.
- Laboratory fees and books may be included; however any books or materials purchased at agency expense become the property of the agency.
- Parking and transportation costs may be included.

### Steps in Processing Requests for Tuition Payment

- Following approval of the Request for Educational Assistance and associated agreement, the Director of Human Resources will return a copy of the approval to employee and the Department Head.

- The Department Head will prepare the appropriate documentation for payment in accordance with state procurement guidelines.
- The employee will then register for the course/program and provide proof of registration and registration costs to the Department Head.
- Within 60 days after completing the course/program, the employee must provide documentation of the grade or completion results to the Department Head and the Director of Human Resources.
- If the course/program was not completed successfully, the Department Head will initiate action to recoup the tuition payment from the employee, if stipulated in the Educational Assistance Agreement.

### **Tuition Reimbursement**

Tuition reimbursement is for employee-requested courses/programs and is limited to all or a portion of the employee's registration or tuition fees as indicated in the Application for Educational Assistance.

#### Steps in Processing Requests for Tuition Reimbursement

- Following approval of the request for educational assistance and associated agreement, the Director of Human Resources will return a copy of the approval to employee and the Department Head.
- The employee will then register for the course/program and retain proof of registration and registration costs.
- Within 60 days after completion of the course/program, the employee must provide documentation of the grade or completion results and proof of payment to the Department Head and the Director of Human Resources.
- The Department Head will prepare the appropriate documentation for payment in accordance with state procurement guidelines, including documentation of successful completion and proof of payment.

### **Tax Aspects of Tuition Payment/Reimbursement**

Tuition payment and reimbursement must comply with the IRS Code regarding employee tax liability. In some circumstances, educational assistance may be considered taxable income under Internal Revenue Code Regulations. Generally, educational assistance for job-related undergraduate courses is not counted as taxable income. Assistance for graduate courses is generally considered taxable income. The Director of Operations will be responsible for:

- Making the determination regarding whether the assistance is taxable income.
- Notifying employees and the IRS.
- Ensuring that policies and practices comply with applicable federal and state tax regulations. In cases where a determination cannot be made easily, agencies should contact the Department of Taxation or the Internal Revenue Service.

The Director of Human Resources is responsible for interpretation of this policy. Questions regarding the application of this policy should be directed to the VSDB Office of Human Resources.

<b>Rescission:</b>	Original Date: July 1, 2013; Revised: September 2015; Revised: April 2016 BOV Approved: September 21, 2016
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