



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of Talent and Culture

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Employee Leave and Retirement Policy

Version 01

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I. Executive Summary

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Subject: Employee Leave and Retirement Authority: DC ST § 32-131.03; DC ST § 1-612.03; DC ST § 1-616.54; DC ST § 1-612.03; 6-B DCMR § 1266; 5-E DCMR § 1000; 5-E DCMR § 1200; 5-E DCMR § 1204; 6-B DCMR § 1227; 6-B DCMR § 1228; 6-B DCMR § 1229; 6-B DCMR § 1230; 6-B DCMR § 1231; 6-B DCMR § 1239; 6-B DCMR § 1241; 6-B DCMR § 1242; 6-B DCMR § 1243; 6-B DCMR § 1244; 6-B DCMR § 1266; 6-B DCMR § 1272; 6-B DCMR § 1273; 6-B DCMR § 1279; 6-B DCMR § 1280; 6-B DCMR § 1282; 6-B DCMR § 1283; 6-B DCMR § 1299; 7 DCMR § 3299	Date: August 2017 Rescinds: Directive 651.16 – Procedures for Employees School Visitation; Directive 651.3 – Policies & Procedures Affecting Administrative Leave; Directive 200.16 – Approval of Administrative Leave for ET-Personnel; Directive 651.15 – Terminal Illness Leave; Directive 651.13 – Teachers Sick Leave; Directive 651.9 – Sick Leave (Useable Accumulation & Carry Over); Directive 650.2 – Advanced Sick Leave; Directive 650.2a – Sick Leave; Directive 651 – Computation of Leave for TSA Officers; Directive 651.11 – Restoration of Annual Leave; Directive 651.2 – Changes in the Administration of Annual Leave for School Officers; Directive 651.1 – Special Leave Allowance; Directive 651.7 – Liberal Leave Policy; Directive 651.8 – Release Team for TSA-15 Employees; Directive 651.10 – Extended Leaves of Absence – Return to Duty; Directive 651.14 – Extended Leave of Absence for ET-15 & Other Classroom Based Employees; Directive 651.19 – Educational Leave with Partial Pay; Directive 650.8 – Requirement for Retirement Eligibility; 650.8.1. – Disability Retirement Under the Civil Service; 650.8.2 – Employment of District Retirees; 651.5 – Employment Status of Persons in Federally Funded Positions; Directive 661.12 – Employee Injured on the Job Procedures; 680.02: Disability Retirement under Civil Service Retirement System;

A. Introduction

The District of Columbia Public Schools (DCPS) permits its employees to take annual, sick, medical, and other types of leave to address their personal well-being. This directive provides employees with guidance on how they can best navigate and access their leave time. This policy provides procedures for employees to follow when they need or desire to request time off. To the extent the following policy guidance differs from provisions contained in a union contract under which a DCPS employee is covered, the provisions of the union contract shall take precedence for that employee. Additionally, this policy is not exhaustive. For a more detailed discussion of the topics in this document please refer to the DCPS Employee Handbook.

B. Roadmap

This document will first deliver an overview of employee leave. Then, it will discuss sick leave, annual leave, and administrative and special leave in detail. Finally, this document will discuss retirement. It is important to note that this policy is not an exhaustive recitation of the benefits available to DCPS employees. Further questions about leave should be directed to dcps.benefits@dc.gov.

I. Overview of Leave Policy

A. General Authority for Employees to Take Leave

Punctual and regular attendance is expected of all DCPS employees. DCPS employees are afforded paid leave through annual leave and sick leave.¹ An employee earns leave time as they work more hours within their tour of duty. As long as employees have earned enough leave time to cover the days that they take off, their leave will be paid.² DCPS employees that are part of a union should refer to stipulations and provisions within their union's collective bargaining agreement for more information about additional leave requirements or mandates. To the extent the following policy guidance differs from provisions contained in a union contract under which a DCPS employee is covered, the provisions of the union contract shall take precedence for that employee.

1. How Employees Should Request Leave

Employees must obtain supervisor approval before taking leave except when taking sick leave for an emergency illness. The following outline provides procedures for requesting leave.

- a) **Timing Threshold:** Requests for foreseeable leave should be provided at least 10 days prior to the date of leave.³ Requests for unforeseeable leave should be provided prior to the employee's work shift.⁴ If, due to emergency, an employee is unable to provide notice of his or her need for leave before taking leave, the employee should notify his or her supervisor of the need for leave as soon as practicable on the first (1st) day of absence.⁵
- b) **Leave Requests:** An employee who must be absent from work for any reason should inform his or her supervisor prior to the absence. Requests should include a reason for the leave as well as how long the employee expects their leave. Central Office employees must request sick leave online through PeopleSoft. All other DCPS employees must request sick leave by submitting a leave request to his or her supervisor. The minimum unit of time that may be charged to annual leave, sick leave, leave without pay, or absence without leave is one (1) hour, and additional charges must be in multiples thereof.⁶ Employees must ensure that the leave time they have requested is reflected on their timesheets within their PeopleSoft accounts. All leave taken must be recorded prior to the next pay period.

2. Paid Holidays

Unless special circumstances apply (e.g., a government furlough is in effect), all DCPS employees are entitled to the following holidays with pay:

- a) New Year's Day
- b) Martin Luther King Jr. Day
- c) Presidents' Day
- d) District of Columbia Emancipation Day

¹ D.C. Code § 1-612.03; This does not include employees who are classified as ET-15 who only have sick leave accrual. For more information about classification, please visit <https://dcps.dc.gov/page/compensation>.

² D.C. Code § 32-131.02

³ D.C. Code § 32-131.03

⁴ Id.

⁵ 6-B DCMR § 1243.3.

⁶ 6-B DCMR § 1229.1.

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- e) Independence Day
- f) Memorial Day
- g) Labor Day
- h) Columbus Day
- i) Veterans Day
- j) Thanksgiving Day
- k) Christmas Day⁷

School-based employees may be restricted from using annual or general leave during the three work days immediately preceding or following any of the holidays listed above. If a paid holiday falls on a Sunday, the holiday will be observed the following Monday. If a paid holiday falls on a Saturday, the holiday will be observed the previous Friday. An employee whose personal religious beliefs require him or her to abstain from working during certain periods of time shall be entitled to reasonable accommodations or, at his or her request, may be granted leave as appropriate.⁸

B. Scope of Employees Covered by this Policy

Sick and annual leave is earned by employees differently depending on their job position, which union they are a member of, and whether they are part-time or full-time⁹ employees. More information about sick leave accrual can be found at <http://dcps.dc.gov/page/dcps-payroll>. The following chart outlines leave accrual for employees:

Accrued Leave Type	ET-15 and EG-9 Teachers and Related Service Providers (WTU Members)	Central Office Employees and All Other School-Based Staff
Annual Leave (Full Time)	N/A. Position does not accrue annual leave.	0-2 years of service: 4 hours per pay period. 3-15 years of service: 6 hours per pay period. 16+ years of service: 8 hours per pay period.
Annual Leave (Part Time)	N/A. Position does not accrue annual leave.	0-2 years of service: 1 hour per 20 hours worked. 3-15 years of service: 1.5 hours per 20 hours worked. 16+ years of service: 2 hours per 20 hours worked.
Sick Leave (Full Time)	96 hours (12 days) are granted at the start of each school year for 10 month employees. 108 hours (13.5 days) are granted at the start of each school year for 11 month	4 hours per pay period (does not change based on length of employment).

⁷ 6-B DCMR §1220.1.

⁸ 6-B DCMR § 1220.6.

⁹ 6-B DCMR § 1228

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	employees. 120 Hours (15 days) are granted at the start of each school year for 12 month employees.	
Sick Leave (Part Time)	Hours granted based on number of remaining pay periods in school year.	0-2.9 years of service: 1 hour per 20 hours worked. 3-14.9 years of service: 1.5 hours per 20 hours worked. 15+ years of service: 2 hours per 20 hours worked.

1. Carrying Over Hours

DCPS adheres to a **Use or Lose** principle of leave accrual. Use or Lose means that an employee with an accrued amount of hours that exceeds the maximum allowance will not be able to carry that leave time past the maximum amount. Thus, employees are encouraged to utilize their annual leave hours as appropriate. For employees that earn annual leave time, annual leave may not exceed 240 hours. Annual leave hours exceeding 240 hours will be forfeited at the end of the calendar year (December 31st). If the employee has not used their excess annual leave by the end of the year, the leave hours will be subtracted from their accumulated time. Accumulated annual leave shall be payable upon separation from employment with DCPS, as discussed in Section VI.C of this guidance document. Employees may carry over an unlimited amount of sick leave hours into the next calendar year. More information about the Use or Lose policy can be found at <http://dcps.dc.gov/page/dcps-use-or-lose>.

C. Absence without Leave (AWOL)¹⁰

An absence from duty that was not authorized or approved, or for which a leave request has been denied, shall be considered an **Absence without Leave (AWOL)**. An employee can be considered AWOL even if he or she has available annual, sick, or other paid leave. Pay shall be withheld for the entire period of AWOL. If it is later determined that the absence was excusable, or that the employee was ill, the charge to AWOL may be changed to a charge against annual leave, **compensatory time**, sick leave, or leave without pay, as appropriate. For more information about redeeming leave, employees should consult with the DCPS Time and Labor team at dcps.timeandlabor@dc.gov.

¹⁰ 6-B DCMR § 1268.

III. Sick, Family and Medical Leave

The DCPS Employee Services Leave of Absence (LOA) Team supports employees as they pursue leaves of absence to handle issues that arise in their personal life. LOA may be reached at dcps.loa@dc.gov or by calling 202-442-4090.

A. Paid Sick Leave

1. Overview of Sick Leave

DCPS considers paid **sick leave** as an approved absence from one's job duties or work time due to illness or other medical reasons.¹¹ **Emergency sick leave** occurs for previously unscheduled leave due to illness. **Scheduled sick leave** occurs when an employee requests to take sick leave in advance.¹² Employees accumulate sick leave for the following reasons:

- Personal illness, medical appointments, medical procedures;
- Caring for an ill family member. This includes accompanying a family member to medical appointments or procedures;
- Birth or adoption; or
- Death of a family member with supporting documentation. Employees are permitted to take up to 3 sick leave days for a death in the family. Please see the Bereavement Leave section of this policy at Section V.F for more information.

2. Sick Leave Thresholds

Full-time employees earn sick leave at a rate of 4 hours per pay period. Part-time employees that work 20 or more hours per pay period earn sick leave at a rate of 1 hour for each 20 work hours per pay period. Sick leave accrual rate for part-time employees increases depending on years of service. Part-time employees that work less than 20 hours per pay period do not earn sick leave. Employees may use a maximum of 130 days/1,040 hours of accumulated sick leave in a single leave year.¹³ Unpaid sick leave is allowable, but accumulated sick leave shall not be payable upon resignation or termination from employment with DCPS. Employees absent from work for more than 3 days due to sick leave may be required to present a medical certification/documentation to their supervisor.¹⁴

3. Advanced Sick Leave

DCPS may grant employees advanced sick leave. **Advanced sick leave** is extra sick leave time that may be provided to employees suffering from a serious illness. Employees may not obtain advanced sick leave until they have exhausted their current leave.¹⁵ Advanced sick leave may not be provided to an employee:

- a) If the supervisor has reason to believe that the employee may be abusing their sick leave;
- b) If the employee is serving on an appointment with a pre-determined end date, in which case the sick leave may only be advanced up to the end date; or

¹¹ 5-E DCMR § 1200.1

¹² 6-B DCMR §§ 1242, 1243.

¹³ 5-E DCMR § 1200.9

¹⁴ 6-B DCMR § 1242.7.

¹⁵ 6-B DCMR § 1244.2.

- c) If the employee's reason for leave would be better suited to be taken under leave reasons provided by the Family Medical Leave Act (FMLA).¹⁶

D. Family and Medical Leave

DCPS employees are entitled to the rights guaranteed by the Federal Family and Medical Leave Act (Federal FMLA)¹⁷ and the District of Columbia Family and Medical Leave Act of 1990¹⁸ (DC FMLA). Employees covered under the DCFMLA will not lose their exemption from the Fair Labor Standards Act if it applies.¹⁹

Under Federal FMLA, certain employees are eligible for up to 12 weeks of medical or family care leave (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period.²⁰ Under DC FMLA, DCPS will grant up to 16 weeks of medical or family care leave during a 24-month period to eligible employees.²¹ Eligibility criteria for FMLA and DCFMLA is discussed in Section III.D.2 below.

2. Eligible Employees

DCPS Employees are eligible under the following circumstances:

- a) **One Year DC Employment:** With respect to DCFMLA, the employee must have worked within the District of Columbia as an employee of the District of Columbia Government for at least one (1) year without a break in service. Breaks in service do not include holiday, sick, or annual leave taken by the employee within that year.²²
- b) **Hours of Work:**
- o **Under DCFMLA,** an employee must have worked at least 1,000 hours during the 12 months preceding the DCFMLA request. The employee's 1,000 hours of work include regular leave taken and approved within the employee's one-year employment.²³
 - o **Under Federal FMLA,** the employee must have at least one year of service with the District of Columbia Government. In addition, the employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is due to commence.²⁴

3. Employee Rights under FMLA/DCFMLA

An employee who takes FMLA leave will not lose any employment benefit or seniority accrued before the date on which the leave commenced, however an employee is not entitled to an accrual of any new seniority or employment benefit during the leave.²⁵ During an employee's FMLA or DCFMLA leave, DCPS

¹⁶ 6-B DCMR § 1244.1.

¹⁷ 29 U.S.C. § 2601 *et. seq.*-.

¹⁸ D.C. Official Code § 32.501 *et. seq.*;

¹⁹ 4 DCMR § 1608.1

²⁰ 29 U.S.C. § 2612(a).

²¹ D.C. Official Code § 32-502(a).

²² 4 DCMR § 1603.

²³ *Id.*

²⁴ 29 USC § 2611(2)(a).

²⁵ D.C. OFFICIAL CODE §32-505(A).

will maintain the employee's insurance coverage.²⁶ At the end of an employee's FMLA or DCFMLA leave, the employee must be able to return to work and perform all essential functions of his or her position. An employer must restore an employee returning from FMLA or DCFMLA leave to the same or an equivalent position that he or she held prior to taking leave. An equivalent position is one that is similar to the previous position and has equivalent pay, benefits, job status, responsibility and authority. If, however, the position is eliminated due to a reduction in force (RIF), or the employee was terminated for a reason unrelated to the leave, the employee is not entitled to reinstatement²⁷.

Employees are entitled to compensation during their FMLA leave under a union sick leave or Paid Family Leave bank if eligible. Unionized employees should consult with their union to determine whether they are eligible for compensation through a sick leave bank. Employees are permitted to utilize their own leave accrual, union leave bank (only applicable to WTU and the Council of School Officers (CSO) union members), Paid Family Leave, or short-term disability leave under FMLA.

4. Medical Leave under FMLA/DCFMLA²⁸

A DCPS employee may take up to 16 weeks of unpaid medical leave in a 24-month period when that employee loses his or her ability to perform his or her job duties because of a serious physical or mental illness or ailment. Serious health conditions may include conditions that require inpatient care in a health care facility, or conditions requiring outpatient care and continuing medical supervision and/or treatment. DCPS employees may take 16 weeks of **unpaid** family leave under the following circumstances:

- a) Birth of a child;
- b) Adoption of a child;
- c) Placement of a foster child with the employee, or the employee's assumption or discharge of parental rights of a child;
- d) Care of a seriously ill family member. This leave may be taken intermittently or on a **reduced leave schedule**;
- e) **Federal FMLA only:** Under certain circumstances where an employee's spouse, son, daughter, parent, or next of kin is on active duty in the armed forces or has been notified of an impending call to active duty;²⁹ or
- f) **Federal FMLA only:** In certain cases, to care for an injured or ill son, daughter, parent or next of kin who is a service member or veteran. A DCPS employee may take up to 26 weeks in a 12 month period of this type of FMLA leave.

Family leave taken due to birth, adoption, or placement of a child with the employee may be taken on a reduced leave basis which may not exceed 24 consecutive work weeks. Entitlement to take family leave due to the birth of a child or placement of a child with an employee expires 12 months after the birth or placement. An employee ineligible to take FMLA or DCFMLA leave to care for a new child may, with supervisory authorization, use their sick leave time instead.

Family leave taken to care for a sick family member may be take continuously, intermittently, or on a reduced leave schedule. If two DCPS employees within the same family take leave for the same underlying

²⁶ D.C. Official Code § 32-505(b)(1).

²⁷ 29 CFR § 825.216.

²⁸ 4 DCMR §1605.

²⁹ 29 USC § 2612(a)(1)(E).

reason within a 24-month period, the amount of FMLA available is limited to 16 weeks. Employees may have to split the 16 weeks (either evenly or unevenly).

5. Application for FMLA/DCFMLA Leave

Employees are required to submit an application for FMLA leave to their supervisor. Employees who fail to submit an application may be denied job protection while away from work. Employees that want to use a union sick leave bank in order to be compensated while on FMLA must also still apply for FMLA. Applications for FMLA / DCFMLA, which are both considered as Leave of Absence (LOA) applications, are available at <http://dcps.dc.gov/page/dcps-leave-absence>.

If your application is approved, you and your supervisor will receive a leave of absence approval letter from the LOA Team to confirm your approved leave of absence dates, your return date, timekeeping information, and other important details. Within five business days of the LOA team receiving **completed** leave of absence application, the employee will be sent a Notice of Eligibility Determination stating whether the request has been approved or denied.

If the application is incomplete, an employee will have ten (10) calendar days to provide the additional required documentation. If the employee does not provide the additional required documentation within ten (10) calendar days, request may be denied. If an employee wishes to extend the approved period for the same qualifying event, the employee must submit a new application, and the new application must be approved. If an employee may not engage in outside employment if that employment would conflict with the employee's regular tour of duty with the District government.

6. Notification of Leave

If the necessity for the leave is foreseeable, a DCPS employee is required to provide their supervisor or Office head with at least 30-45 days' notice. Employees must also make a reasonable effort to schedule any treatment or appointments related to the FMLA Leave in a manner that does not unduly disrupt DCPS operations.³⁰ Failure to provide advanced notice may result in an interruption of pay if an employee utilizes their union's leave bank, Paid Family Leave, or short-term disability leave. Employees may be required to support a request for family leave to care for another or medical leave due to a serious health condition with certification or other documentation from a health care provider.³¹ Documentation should be provided to the employee's supervisor.

E. Paid Family Leave³²

Eligible DCPS employees may take up to eight weeks of **paid family leave ("PFL")** in the event they experience a **qualifying event** per 12-month period. Even if an employee does not use all eight weeks of PFL for one qualifying event, the employee is not entitled to use PFL for a second qualifying event within the same 12-month period. An eligible employee can utilize the leave consecutively or intermittently. However, the leave must be used in no less than one-hour increments.

An eligible employee is an individual that:

- a) Is not a temporary employee appointed for less than 90 days;

³⁰ D.C. OFFICIAL CODE § 32-502(g)(2) AND 503(c)(2).

³¹ D.C. CODE §32-504.

³² 6-B DCMR § 1283.

- b) Is not an **intermittent employee**;
- c) Has not received paid family leave benefits for a different qualifying event within the preceding 12 months; and
- d) Has experienced the qualifying event within 12 months prior to the start of the paid family leave.

Qualifying events include³³:

- a) Birth of a child;
- b) Adoption of a child;
- c) Placement of a foster child with the employee, or the employee's assumption or discharge of parental rights of a child; or
- d) Care of a family member whose serious health condition requires the employee's care.

Note: Employees may NOT use PFL for their own illness or medical condition. In that situation, the employee should use medical or sick leave.

PFL and FMLA run concurrently to ensure efficient use of leave time under both categories. Use of leave under the PFL program will not impact annual or sick leave accruals, or pay in other paid leave categories.

1. Paid Family Leave Application Process

Employees apply for PFL through the DCPS Quickbase application under "DCPS Leave of Absence Requests". Once the application is completed, employees will receive a notification letter from the DCPS Employee Services department. Please note that incomplete applications may be denied. For additional information regarding the PFL application process, please visit <https://dcps.dc.gov/page/dcps-paid-leave>.

F. Workers' Compensation Leave

Workers' Compensation is a system of benefits for workers who sustain job-related injuries or illnesses. DCPS employees that suffer temporary or permanent disability or death because of employment related activities may be eligible to receive the following benefits:

- a) wage loss benefits;
- b) medical benefits;
- c) vocational rehabilitation;
- d) compensation for permanent or temporary disability, and
- e) death benefits.

Employees are responsible for submitting the required documentation for workers' compensation benefits. Additional information regarding worker's compensation is available at <https://does.dc.gov/page/workers-compensation-does>.

Continuation of Pay (COP), pay that acts as a substitute for workers' compensation benefits during the first 45 days of an employee's wage loss, may not be granted until both the school and employee officially report the injury to the DC Mayor's Office of Risk Management (ORM). Employees are eligible for COP if:³⁴

- They have a job-related traumatic injury which needs medical examination or treatment;
- They file the necessary documentation (e.g. Form CA-1) within 30 days of being injured; and
- They have lost work time because of the injury within 45 days of being injured.

³³ 6-B DCMR § 1284.2.

³⁴ 20 CFR §10.205

For more information regarding continuation of pay, including exceptions from being eligible to receive COP, please contact the DC Office of Risk Management at orm.dc.gov.

For job-related injuries, leave periods of three days or less will be charged against the employee's sick/annual leave. If no leave is available, the absence will be considered leave without pay (LWOP).³⁵ Leave exceeding three days places employees on COP for either 45 continuous calendar days (including weekends and holidays) for employees hired before January 1, 1980, or 21 continuous calendar days (including weekends and holidays) for all employees hired on or after January 1, 1980. If the injury is found to be non-compensable, leave hours will be charged retroactively against the employee's sick/annual leave. If the employee has no leave available, payments will be deemed overpayment of pay,³⁶ and the absence will be considered LWOP. Supervisors should contact DCPS Office of Benefits & Compensation through dcps.compensation@dc.gov or 202-442-4090 for questions related to Workers' Compensation.

1. Employees Absent from Work Due to Work-Related Injuries

All employees absent from work due to work-related injuries must report to their supervisors, at least once a week, regarding their condition and projected date for return to duty. Employees are also responsible for providing medical documentation (e.g. a doctor's note or hospital billing) regarding their projected date for return to duty.

Each supervisor is responsible for bringing this directive to the attention of all of their employees. Failure to comply with these notification requirements may result in disciplinary action against the DCPS employee. All questions regarding monetary compensation and benefits for DCPS job-related injuries shall be directed to the Compensation Team at dcps.compensation@dc.gov.

G. Violation of Sick Leave Policy

An employee suspected to have engaged in a pattern of abuse pertaining to his or her use of sick leave may be placed on **leave restriction**.³⁷

Evidence of leave abuse may include:

- a) Requesting sick leave to avoid certain work assignments;
- b) Requesting sick leave after being denied annual leave for that same period;
- c) Requesting emergency sick leave immediately preceding or following a weekend; or
- d) Requesting emergency sick leave with such frequency that it results in the employee being absent part of the workday or an entire workday on a consistent and regular basis.

Before an employee is placed on leave restriction, she or he will receive written notice of the terms of his or her restriction that sets forth the procedures he or she must follow when requesting emergency sick leave. An employee who fails to abide by the terms of his or her leave restriction may be denied leave, placed on Absent without Official Leave (AWOL) status, and subjected to disciplinary action.³⁸

³⁵ See 4 DCMR § 1600.01 *regulating* District of Columbia Family and Medical Leave Act of 1990 ("DC FMLA"), effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code §§ 32-501).

³⁶ This is in accordance with section 2329 of the Act.

³⁷ 6 DCMR §1243

³⁸ 6-B DCMR § 1243.7.

IV. Annual Leave

A. General Annual Leave³⁹

DCPS employees, not including ET-15 employees, earn annual leave time. An employee may request annual leave for time off due to the following reasons:

- a) For vacation;
- b) For general or emergency reasons; or
- c) Upon the exhaustion of his or her sick leave, for any reason sick leave could have been authorized.

Annual leave requests must be provided to an employee's supervisor at least 5 business days prior to the date of leave. All annual leave time must be approved. Annual leave requested and approved in advance shall be considered **scheduled annual leave**. Annual leave that is approved, but not scheduled or requested in advance, shall be deemed **emergency annual leave**.

DCPS employees whose temporary employment with DCPS is for a period of less than ninety (90) days do not accrue annual leave. When limited appointments extend beyond ninety (90) days, with no break in service, annual leave shall be granted retroactive to the date of initial appointment.

1. Accumulating Annual Leave

Accumulated annual leave is payable upon separation from employment with DCPS. Accumulated annual leave of employees resigning to accept employment with another District government agency will be transferred; provided, that no break in employment occurs.

For employees that earn annual leave time, annual leave may not exceed 240 hours. Annual leave hours exceeding 240 hours will be forfeited at the end of the calendar year. Please note that the amount of annual leave an employee accrues depends on how long they have been employed with DCPS.

B. Voluntary Leave Transfer Program

DCPS allows employees to transfer⁴⁰ their accumulated leave to other employees under the **Voluntary Leave Transfer Program** when the receiving employee must miss an extended period of time due to his or her own medical situation or the need to provide personal care to an immediate relative. To participate in the program, employees must complete the Voluntary Leave Transfer Program – Application to Receive Transferred Annual/Universal Leave. This application can be found at <http://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20-%20VLTP%20Request%20to%20Receive%20Donated%20Leave.pdf>. For more information on this program, please contact Employee Services at 202-442-4090.

C. Restoration of Annual Leave⁴¹

DCPS allows employees to retain annual leave hours. To retain these hours, employees must request a **leave restoration**. Leave restoration may be provided under the following circumstances:

³⁹ 5-E DCMR 1201; 6B DCMR 1235

⁴⁰ 6-B DCMR § 1282

⁴¹ 6-B DCMR § 1239

- a) **Administrative Error:** an employee's annual leave is lost due to an error within the DCPS administration of leave hours;
- b) **Demands of Public Business:** an employee's annual leave was properly requested; and approved, but subsequently denied, prior to the start of the leave, due to operational needs;
- c) **Illness or Injury:** the annual leave was scheduled in advance, but was changed/cancelled due to illness or injury.

D. Leave without Pay (LWOP)⁴²

A supervisor may grant an employee Leave without Pay (LWOP) when the employee requests time off from work but he or she does not have any available paid leave. Unlike leave taken by an eligible employee under FLMA and DCFMLA, DCPS may deny an employee's request for Leave without Pay. Where LWOP is denied, unless the employee returns to work upon request, he or she may be subjected to adverse action, voluntary resignation, or both.

⁴² 6-B DCMR § 1267

V. Administrative Leave and Special Leave Circumstances

A. Administrative Leave⁴³

DCPS grants employees the ability to take **paid administrative leave**. Administrative leave may only be taken after the employee's leave request has been approved by their supervisor. Employees may take leave for the following circumstances:

- a) Job related professional conferences;
- b) Approved training courses;
- c) Workshops during regular duty hours;
- d) Employee injury during the time required for initial examination/treatment if this time falls within the work day;
- e) Employees preparing for, and present during, appeals about adverse actions, grievances, and discrimination complaints within their job position;
- f) Employees that are under investigation for misconduct, including job misconduct; or
- g) Voting in an election/referendum when polls are not open at least three (3) hours either before or after an employee's regular hours of work.

The list above is not exhaustive, but is meant to provide employees with a general idea of which events or reasons may warrant administrative leave. DCPS holds full discretion in determining what constitutes a valid reason for taking administrative leave.

At DCPS, employees who are placed on paid administrative leave may not engage in outside employment for compensation during the hours during which they would have been working for DCPS. Employees on paid administrative leave must report to work when their leave period has ended. Failure to report to work after the administrative leave period may result in disciplinary action. For additional information, please see <http://dcps.dc.gov/page/dcps-leave-absence> or contact LOA Team at dcps.loa@dc.gov.

B. Extended Leaves of Absence⁴⁴

DCPS may authorize **extended leaves of absence** for reasons including family care, maternity/paternity leave, adoption, educational leave, military leave, etc.

Failure to return to duty following the expiration of an extended leave of absence, or authorized extension thereof, or failure to comply with established procedures may be considered as voluntary resignation.

An extended leave of absence shall not be authorized for full-time employment outside of D.C. Public Schools except for outside employment related to DCPS.

⁴³ 5-E DCMR § 1202; 6-B DCMR § 1266.

⁴⁴ 5-E DCMR § 1204

C. Charter School Leave⁴⁵

DCPS employees may request a leave of absence without pay to work in a public charter school for an unlimited number of two-year terms. DCPS may not unreasonably withhold approval of such a request.⁴⁶

An employee on an approved charter school leave of absence must notify DCPS in writing as to whether he or she wishes to return to DCPS or extend the leave for an additional two-year period. This notification must be by March 1 of the final year of leave. Failure to provide written notice of intent to return to DCPS or to extend leave will result in that employee's voluntary resignation.

D. Leave During Declared Emergencies ("Liberal Leave")⁴⁷

If the Mayor declares liberal leave is in effect for District employees, DCPS employees must follow all mayoral instructions regarding reporting to work. All essential or emergency employees must report to work during liberal leave circumstances.⁴⁸ Liberal leave may include:

- a) **Late Arrival:** Employees may arrive to work late. Employees that use an entire day while a late arrival policy is in effect will be deducted an entire leave day.
- b) **Unscheduled Leave:** Employees may use leave, compensatory time, exempt time off, or leave without pay for some or all of the day (to a max of eight hours) without prior approval.
- c) **Telework:** Employees may telework, if permitted by their supervisor, during a mayoral allowance to telework.

E. School Visitation / Parental Leave⁴⁹

An employee who is a parent⁵⁰ may take up to 24 hours of **unpaid leave** during any 12-month period to attend or participate in his or her child's school-related events. An employee may elect to use one of their paid leave days to attend the event if desired. Accepted events include:

- a) Concerts
- b) Plays
- c) Rehearsals
- d) Sporting games or practices; and
- e) Meetings with teachers or counselors.⁵¹

An employee must give ten days' advanced notice of the need for leave, unless the need to attend such school-related event cannot be foreseen. The leave must be approved by a supervisor.

⁴⁵ 5-E DCMR § 1204.9(c).

⁴⁶ 5-E DCMR § 1204.5.

⁴⁷ 6-B DCMR § 1273

⁴⁸ DCPS notifies, in writing, all employees designated as essential employees that they have been assigned as an essential/emergency employee. Additionally, DCPS provides written notice if/when an employee is no longer considered essential or emergency.

⁴⁹ 6-B DCMR 1280;

⁵⁰ A parent is defined as a natural parent, an acting guardian, a legal custodian, an aunt, an uncle, a grandparent, or a person married to, or in a domestic partnership with, a person in the aforementioned categories.

⁵¹ D.C. Code § 32-1201 (2001).

F. Bereavement Leave⁵²

Employees will be granted up to three (3) workdays of leave with pay and without reduction in accumulated leave or service, to make arrangements for, or attend the funeral of, or memorial service for, an immediate family member. Other employees represented by unions must refer to their individual union contracts for information about the amount of bereavement leave time they may take.

DCPS considers immediate family members to be individuals related to the employee by blood, marriage, domestic partnership, or adoption:

- | | |
|-------------------|--|
| a) Father | h) Grandchild, or similar familiar relationship; |
| b) Mother | i) Individual for whom the employee is the legal guardian; or |
| c) Child | j) Fiancé/fiancée; |
| d) Husband/wife | k) Domestic Partner; or |
| e) Sister/brother | l) Individuals residing at employee's home on a regular basis. |
| f) Aunt/uncle | |
| g) Grandparent | |

Additionally, unless doing so will seriously impair DCPS' mission, DCPS will grant an employee's request for up to three (3) days of unscheduled annual leave, sick leave, or compensatory time upon the death of an immediate relative.

The days requested for funeral leave need not be consecutive, but if they are not consecutive, the DCPS employee must provide his or her supervisor with justification. There is no threshold regarding the amount of times an employee may take bereavement leave annually.

G. Religious Leave⁵³

DCPS is required to provide reasonable accommodations to any employee whose personal religious beliefs require that he or she abstain from working at certain times. DCPS allows employees the choice of taking accumulated leave during the period of absence or working additional hours at another time to make up for the time off work. DCPS may decline the employee's request to adjust his or her work schedule if the adjustment would interfere with agency business.

If the need to take the time off for religious reasons is foreseeable, an employee who chooses to adjust his or her work schedule must request and obtain supervisory approval of the adjustment at least ten (10) days before taking time off from work.

An employee who would like a religious accommodation should contact his or her supervisor or the DCPS Office of Labor Management and Employee Relations (LMER) to make a request for accommodation. A supervisor seeking assistance in responding to a request for accommodation may also contact LMER. LMER may be reached at dcps.lmer@dc.gov.

⁵² 6B DCMR 1261

⁵³ 6-B DCMR § 1206; 4 DCMR § 4-516; 29 CFR § 1605.

H. Court Leave and Jury Service⁵⁴

DCPS employees who are requested to appear either for jury duty or as a witness for the District or federal governments will be granted leave without loss of pay or loss of accrued leave.⁵⁵ DCPS requires all employees returning from jury or witness duty to provide their supervisor with certification verifying the performance of jury or witness duty.⁵⁶

Employees who performed jury or witness duty may not keep fees paid by the court unless the fees are specifically provided as reimbursement for the employee's travel and meals or if the service performed fell on a holiday for which the employee would have been excused from regular DCPS duties.⁵⁷

If an employee is excused from jury duty for all or substantial part of a day, he or she shall report to his or her place of employment upon excusal and perform regularly assigned duties for that period.

A DCPS employee is not entitled to court leave for participation in his or her own civil or criminal action. He or she is required to take annual leave, compensatory time, or leave without pay in connection with such action.⁵⁸

I. Educational Leave

1. Educational Leave with Pay (for Washington Teacher's Union members only)⁵⁹

DCPS employees who are members of the Washington Teachers' Union (WTU) and who have been employed with DCPS for at least six (6) continuous years may be granted a leave of absence at the discretion of the Chancellor with one-half (1/2) of his or her salary in order to pursue full-time graduate study in a program approved by DCPS. Such leave may be terminated at any time by DCPS if the employee fails to pursue in a satisfactory manner the purpose for which the leave of absence was granted.

A WTU member on approved educational leave with pay is required to notify DCPS annually by May 1 of his or her intent to return to work for the following fall semester, and annually by November 1, of his or her intent to return to work for the following spring semester. Failure to provide notification may result in adverse action.

2. Educational Leave without Pay⁶⁰

DCPS employees may request a leave of absence to pursue full-time graduate study in an area related to the stated goals and objectives of DCPS. In most circumstances, DCPS educational leave is unpaid. DCPS employees should consult their applicable union contract to determine whether conditions may exist for educational leave with pay. An employee requesting educational leave must provide the Human Resources Division with an official transcript that shows registration for courses during the requested period of leave.

⁵⁴ 6-B DCMR §§ 1263-1264.

⁵⁵ 6-B DCMR §1263.1

⁵⁶ 6-B DCMR §1263.9

⁵⁷ 6-B DCMR §1263.10

⁵⁸ 6-B DCMR § 1263.14.

⁵⁹ WTU Contract Article 17.6.

⁶⁰ 5-E DCMR §1204.10.

Upon return from leave, an employee must provide an official transcript showing satisfactory (a C or better) completion of the course of study for which the leave was granted. Once an employee is on leave of absence from DCPS for educational leave without pay, the employee must provide DCPS with advance written notice 30 days prior to the expiration of the leave of absence of his or her intent to return to DCPS. Failure to return to duty following the expiration of educational leave without pay may be construed as a voluntary resignation. Upon his or her return to DCPS, the employee will be reinstated to a position at the same level of the salary schedule he or she held prior to the leave.

J. Military Service Leave⁶¹

Employees who are members of the military are permitted to take paid leave to engage in certain types of military service. Eligible military arms include:

- a) Army National Guard of the United States;
- b) Army Reserve;
- c) Naval Reserve;
- d) Marine Corps Reserve;
- e) Air National Guard of the United States;
- f) Air Force Reserve; and
- g) Coast Guard Reserve

The amount of military leave time is dependent on the type of military service taken. During his or her days of military leave, the employee shall suffer no loss in accumulated leave. However, the pay due to the employee is reduced by any amount (other than travel, transportation, or per diem allowance) received by the employee for such military service performed during DCPS work hours.

1. Leave under Uniformed Services Employment and Reemployment Rights Act (USERRA)⁶²

USERRA allows employees **job-protected** time off to engage in military service. Under USERRA, individuals that left DCPS to perform service in the uniformed services have the right to reemployment with DCPS if:

- a) The employee provided advance written or verbal notice of service;
- b) The employee's absence does not exceed five years; and
- c) The employee returns to work or submits an application for reemployment in a timely manner following the conclusion of service. The employee is required to return to work within the time frames outlined below, dependent upon the length of time of their military service:
 - o If the employee's military service is less than 31 days, the employee is required to return to work within one day of returning home from service;
 - o If the employee's military service is 31-180 days, the employee is required to return to work within 14 days; and
 - o If the employee's military service is more than 180 days, the employee is required to return to work within 90 days.

Additionally, military personnel should be provided time off prior to engaging in military leave.⁶³ For more information on whether an employee is entitled to leave for military service and, if so, the amount of leave to which he or she is entitled, contact the DCPS LOA Team at 202-442-4090.

⁶¹ 6-B DCMR § 1262.

⁶² 38 U.S.C. §§ 4301-4335.

⁶³ 20 C.F.R. 1002.74

VI: Retirement

A. General Retirement Information

All eligible employees are encouraged to participate in DCPS' retirement plans. These plans provide eligible employees with retirement benefits. DCPS offers a variety of different retirement plans including:

- a) Teacher's Retirement Plan;
- b) Civil Service Retirement Plan;
- c) 401(a) Defined Contribution Plan;
- d) 403(b) Tax Sheltered Annuity; and
- e) 457 Deferred Compensation Plan.

Retirement eligibility is dependent upon the number of years an employee has worked with DCPS, the type of plan the employee wishes to enroll in, and the age of the employee. Please refer to **Appendix III** for information about each type of retirement plan. For additional information regarding available retirement benefits plans, employees should visit <http://dcps.dc.gov/page/retirement> or contact the DCPS Office of Talent and Culture's Retirement team at dcps.retirement@dc.gov or 202-442-4090.

B. Retirement Procedures

To participate in DCPS' retirement benefits, all employees must follow established retirement procedures as listed below:

- a) **OPTIONAL:** Determine the amount, and type, of benefits an employee might receive by completing the DCPS Retirement Computation Form and sending it to Human Resources (dcps.retirement@dc.gov) for processing. Please note that completing the DCPS Retirement Computation Form does not signify an official intent to retire.; and
- b) Contact the retirement unit at dcps.retirement@dc.gov to schedule a retirement consultation appointment.

C. Accrued Leave

When an employee retires from service with DCPS, they will receive compensation from their accrued unused annual leave.⁶⁴ This compensation will be included in the employee's final paycheck which will be distributed within 3 to 5 pay periods. Sick leave will not be included. Unused sick leave balances of 176 hours or more, however, can be used to determine additional retirement benefits.

⁶⁴ 6-B DCMR § 1240.3.

Appendices

Appendix I: Glossary

Absence Without Leave: (AWOL): Absence without leave occurs when an employee is absent from work/their job duties without prior authorization or approval from their supervisor or agency head.

Administrative Leave: Paid leave, that is not sick or annual leave time, granted to an employee by DCPS for particular circumstances including attendance at a professional development event, voting, injury on the job, or participation in an investigation.

Advanced Sick Leave: Extra sick leave time that may be provided to employees suffering from a serious illness.

Annual Leave Restoration: When an employee has reached the maximum amount of annual leave time (240 hours), DCPS may allow that employee to retain unused leave time if the excess time was due to an administrative error, illness or injury, or demands of public business.

Charter School Leave: when an employee takes leave without pay to serve in a DC charter school.

Compensatory Time: authorized absence from one's work duties/tour of duty in lieu of payment of authorized overtime

Continuation of Pay (COP): Pay that acts as a substitute for workers compensation benefits during the first 45 days of an employee's wage loss.

Emergency Sick Leave: Sick leave taken by an employee for an emergency illness that was not previously scheduled or planned.

Family Leave: Leave time taken by an employee who has experienced, or is experiencing, a traumatic or significant family circumstance.

Family Member: A family member includes a person, to whom the employee is related by blood, legal custody, or marriage; a child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility; or a person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship.

Intermittent Employee: When an employee does not work pursuant to a regular tour of duty schedule.

Leave Restriction: When an agency or supervisor suspects that an employee is abusing their sick leave time, the employee may be placed on a leave restriction in which they must always obtain prior approval to take sick leave time as opposed to self-certifying their illness.

Leave Without Pay (LWOP): When it is necessary for an employee to take leave but the employee does not have any leave hours left to take off. In this case, the employee takes approved/authorized time off from their tour of duty without pay.

Medical Leave: When an employee must take Medical Leave time (either paid or unpaid) from their job due to care for a sick family member.

Military Leave: to prepare/care for needs arising from military duty or call to action.

Paid Family Leave: Allows eligible DCPS employees to take up to eight work weeks of paid family leave within a 12-month period for:

- birth/placement of a child; or
- to care for a family member with a serious health condition.

Qualifying Event: A significant life event such as the birth of a child or the need to care of a sick family member, which warrants an employee the need to take Paid Family or Medical Leave time.

Reduced Leave Schedule: A reduction in an employee's work hours, for a certain period of time, (e.g. an employee may go from full-time to part-time) due to medical necessity or other significant reason as determined by DCPS.

Scheduled Sick Leave: Occurs when an employee requests to take sick leave in advance.

Sick Leave: Leave time taken when an employee is unable to perform his or her job duties due to illness or other medical reasons.

Use of Lose: Use or lose refers to the Leave procedure which subtracts unused hours from an employee's accumulated leave time once the amount of time has reached a threshold. An employee must use those hours before they accumulate past the threshold.

Voluntary Leave Transfer Program: A DCPS program which allows employees to transfer their accumulated leave to other employees.

Appendix II: PeopleSoft Table Time Sheet Entrances

A description of each type of leave is listed in the two tables below. The tables have four columns, each of which provides information pertinent to all DCPS employees when they take leave. The columns are as follows:

- **Type of Leave** – this column indicates the different categories of paid and unpaid time off that all DCPS employees may use;
- **When Allowed** – this column indicates the reasons DCPS employees can use the type of leave listed in column one;
- **Reporting Code** – this column indicates the proper leave type that the time approver must insert into PeopleSoft; and
- **Documentation / Required Notes** – this column shares the additional information the employees must provide to use leave

Types of Short-Term Leave

Leave Type (Short-Term)	When Allowed	Reporting Code	Documentation / Required Notes
Annual Leave	Vacation, personal, emergency or medical leave (if sick leave exhausted)	ALT	<i>Note: All union employees should consult their contract; the below expectations exist for Central Office employees</i> Employees must submit requests for annual leave at least five (5) days prior to the first date leave is requested. The request must be approved or disapproved within three (3) business days. Requests for Emergency Leave must be answered before the end of the shift on which the request is submitted
Sick Leave	If sick or disabled to the point of being unable to do job; medical appointment; to care for a sick family member	SLT	A doctor's certification may be required for leave in excess of 3 consecutive days. Typically, documentation is not required for leave of less than 3 days
Administrative Leave With Pay	Job-related professional conferences, approved training courses, and workshops during regular duty hours; while under investigation for misconduct	ADL	Professional development registration confirmation; emergency examination documentation

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Voting	To vote in an election or community referendum	ALT	Leave is only granted when the polling station is not open for three (3) hours either before or after an employee's regular hours of work
Leave Without Pay	To request time off when employee does not have any accrued leave remaining	LWOP	All union employees should consult their collective bargaining agreement
Absence Without Leave	Not permitted; occurs when employee is absent during a time that was not authorized or approved	AWOL	Pay withheld during this period
Bereavement / Funeral	Death of an immediate relative	BEV	Documentation may be requested, such as a funeral program
Parental Leave (unpaid)	24 hours of leave per calendar year to attend child's "school-related event" (e.g., parent-teacher conference)	ALT	This type of leave is unpaid; up to 24 hours allowed per calendar year
Religious Leave	When personal religious beliefs require that he or she abstain from working at certain times	ALT	Employees considering religious leave should consult with LMER
Jury Duty	When summoned to appear either as a grand juror, petit juror, or witness for the District or federal governments ⁶⁵	JURY	Employees returning from jury or witness duty are required to provide their supervisor with certification verifying the performance of jury or witness duty

⁶⁵ 6 DCMR §1263.1

Types of Long-Term Leave and Extended Leave of Absence

Leave (Long-Term)	Type	When Allowed	Reporting Code	Documentation /Required Notes
<p>FMLA – Family Care (maternity, paternity, child birth, adoption)</p> <p>FMLA – Serious Health Condition (personal illness)</p>		<p>DCPS may authorize extended leaves of absence for:</p> <p>(1) Personal illness; (2) Family care; (3) Maternity leave; (4) Paternity leave; and (5) Adoption leave;</p>	ALT or SLT	A Leave of Absence Medical Form must first be completed. Then, a <u>Leave of Absence Medical Application must be completed online.</u>
Paid Leave	Family	PFL is allowed within a 12-month period for the birth of placement of a child with an employee, or to care for a family member with a serious condition	PFLT	The Leave of Absence <u>application</u> must first be completed; the PFL is officially granted through a letter provided by Employee Services to the employee and their supervisor
Charter Leave (unpaid)	School	An employee on extended leave of absence while working in a charter school	LWOP	Completed <u>Leave of Absence Application</u>
Educational Leave With Pay (WTU only) (unpaid)		To pursue full-time graduate study in a program approved by DCPS	LWOP	Completed <u>Leave of Absence Application</u>
Military Leave		To engage in military service if an employee is already a member of the armed forces	MILI	Completed <u>Leave of Absence Application</u>
Workers Compensation Leave		If injury is sustained on the job	COP	Employee alerts supervisor; supervisor calls Office of Risk Management (ORM) Call Center at 1-888-832-2524.

Employee Leave and Retirement Policy

Appendix III: Retirement

Type of Plan	Eligibility	Enrollment	Accessibility	Administrator	Contact Information
Teacher's Retirement Plan	55 years with 30 years of service 60 years with 20 years of service 62 years with 5 years of service	Eligible employees are automatically enrolled in this plan and cannot elect to opt-in or out. They may also enroll in 403(b) and/or 457 plans.	Only accessible after departure from DCPS	Office of Personnel Management	(202) 606-1800
Civil Service Retirement Plan	55 years with 30 years of service 60 years with 20 years of service 62 years with 5 years of service	Eligible employees are automatically enrolled in this plan and cannot elect to opt-in or out. They may also enroll in 403(b) and/or 457 plans.	Only accessible after departure from DCPS	DC Retirement Board	(202) 343-3272
401(a) Defined Contribution Plan	The 401(a) plan is solely funded by employer contributions, not salary deductions. Employees cannot receive retirement benefits as a participant of the 401(a) plan. Rather, employees become fully vested in this plan after 5 years of creditable service and can request a lump sum disbursement, rollover, or schedule installments after departure from DCPS.	Eligible employees are automatically enrolled in this employer-funded plan after one (1) year of service, and cannot elect to opt-in or out. They may also enroll in 403(b) and/or 457 plans (optional).	Only accessible after departure from DCPS	ING Financial	(866) 772-4012
403(b) Tax Sheltered Annuity	Enrollment requires initial sign-up for an account with an approved 403(b) vendor. The vendor will communicate your plan startup information to Human Resources, and your authorized payroll contributions will begin as you have elected.	The 403(b) plan is an optional retirement account that employees can use to supplement their current retirement plan contributions.	Individuals who have a 403(b) and/or 457 plan may be able to request a loan or other type of disbursement at any point.	Contact your 403(b) vendor	Approved 403(b) vendor
457 Deferred Compensation Plan	Enrollment requires initial sign-up for an account with ING Financial (202-442-9749). Authorized payroll contributions will be processed in their administrative office and your deductions will begin as you have elected.	The 403(b) plan is an optional retirement account that employees can use to supplement his/her current retirement plan contributions.	Individuals who have a 403(b) and/or 457 plan may be able to request a loan or other type of disbursement at any point.	ING Financial	(866) 772-4012