

PERSONAL LEAVE and ABSENCE POLICY

1. Rationale

In an effort to more fully clarify the relationship between the board and its employees, and particularly with respect to absences during contractual periods, the following policy is adopted.

2. Personal Leave

At the beginning of his/her employment term a *regular full-time employee¹ of the Pleasants County Board of Education shall be entitled, annually, to two days personal leave for each employment month in the employee's employment term. This leave will accumulate indefinitely and shall be transferable within the State of West Virginia.

- 2.1 Where the cause of personal leave had its origin prior to the beginning of the employment term the employee shall be paid for the time lost AFTER the start of the employment term.
- 2.2 An employee shall qualify to use any or all personal leave accumulated if he/she is absent from duties due to personal sickness or personal injury accident. **If the employee is absent for 5 consecutive days or longer, a doctor's excuse shall be required.**
- 2.3 Personal leave (with per days restriction) may also be granted to employees for exposure to a contagious disease and determination by his/her supervisor that the presence on duty of the employee may jeopardize the health of others (not to exceed days accumulated).
- 2.4 An employee shall qualify to utilize personal leave for absence caused by death in the immediate family. The immediate family is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, foster parents and foster children or any relative with whom the employee may be living. [Note: also included are stepchildren or parents.]
- 2.5 Leave of Absence for Personal Illness – An employee may use accrued personal leave for an extended illness or health condition, provided the necessity for leave is supported by medical documentation. The employee shall present a doctor's statement indicating that continued active employment would be detrimental to his/her health. Said medical

¹ Regular full time employee (For interpretation of personal leave law only) shall be defined as any person employed by the Pleasants County Board of Education who has a regular position or job throughout his/her employment term, without regard to hours or method of pay.

leave shall not extend past the end of the current school term, however, it may be renewed at the discretion of the board.

3. Restrictions

3.1 The number of personal leave days allowed due to death in the immediate family is restricted in each event by the Board of Education as follows (unless otherwise stipulated in this policy)

- 3.1.1 Spouse, Son, Daughter, Parents.....10 days
- 3.1.2 Brother, Sister.....5 days
- 3.1.3 All Other.....2 days

3.2 An employee shall qualify to use a maximum of three days (for each occurrence) for absences caused by illness in the immediate family. If the illness is life threatening and involves the employee’s spouse, parents or child, (immediate family), the employee shall qualify to use any or all personal leave accumulated, but for any absence exceeding three days, a physician’s note of verification will be required.

3.3 Additional days may be granted by the superintendent depending upon extenuating circumstances. Requests should be made in writing to the superintendent as soon as possible following the event. At any time the employee believes that extenuating circumstances exist for any absence reason, the individual should contact the superintendent for an interpretation. As in all matters, decisions made by the superintendent may be appealed to the Board of Education.

4. Leave Without Cause

An employee shall be permitted three days of personal leave (not to exceed the total amount of leave to which he/she is entitled), which may be taken without regard to the cause for the absence, (which may include professional advancement), except that personal leave without cause may not be taken on consecutive work days unless authorized or approved by the employee’s principal or immediate supervisor, as the case may be: Provided, however, that notice of such leave shall be given to the employee’s principal or supervisor, as the case may be, at least 24 hours in advance, except that in the case of sudden and unexpected circumstances, such notice shall be given as soon as reasonably practical; however, the use of such day may be denied if, at the time notice is given, either fifteen percent of the employees or three employees, whichever is greater, under the supervision of the principal or immediate supervisor indicate their intention to use that day for such leave: provided further, that such leave shall not be used in connection with a concerted work stoppage or strike.

- 4.1 All requests for leave without cause shall be submitted on the appropriate form as required by the central office.
- 4.2 If an employee should use personal leave which he/she has not yet accumulated on a monthly basis and subsequently leave his/her employment, he/she shall be required to reimburse the board for the salary or wages paid to him/her for such un-accumulated leave.
- 4.3 A maximum of two unused personal leave days may be carried forward into the next fiscal year for use as leave without cause. In no event shall an employee be able to exceed five cumulative days for this purpose.

5. Unpaid Leave of Absence

5.0 Any employee may, upon approval of the Board of Education, be granted up to one year of unpaid leave as a result of pregnancy, childbirth, or adoptive or infant bonding. Upon submission of supporting documentation, the employee shall be granted such leave, and shall not be required to exhaust accumulated personal leave or vacation benefits prior to taking such unpaid leave.

The Board of Education, upon recommendation of the superintendent, may grant leaves of absence to an employee for the following purposes other than for personal illness, maternity/adoptive leave or temporary disability, which are covered elsewhere in this policy:

- 5.1 School attendance – An employee may be granted up to two years leave of absence to pursue college training toward degree completion, for the improvement of his/her teaching certificate; or for graduate study relevant to his /her teaching career or for improvement of employment possibilities within the school system. In order to apply for such a leave, individuals must submit to the superintendent evidence of acceptance into the program and other documentation to support full time enrollment in an approved program. Leave may be granted pending completion of semester's work and upon submission of evidence documenting completion.
- 5.2 Other – The employee may also be granted leaves of absence for other good and just causes, e.g. officeholder in employee organization or public office, to do applied research, or accept temporary employment with RESA or the State Department of Education. Said leaves of absence shall not extend past the end of the current school year, but may be renewed at the discretion of the board.

Any employee on a leave of absence retains his/her accumulated personal leave, but while on the leave of absence does not add any additional days for personal leave, nor may be paid for illness beginning and ending during that leave of absence.

6. Illness Due to Pregnancy

Illness due to pregnancy may be charged to personal leave under the same conditions applying to any illness. (This is separate and distinct from the one year of unpaid leave to which an employee may be entitled pursuant to the provisions of Section 5.0, above.)

7. Military Service

All employees who are members of the national guard or any military reserve unit of the United States Armed Services, shall be entitled to leave of absence from their respective offices or employments without loss of pay, on the days during which they shall be engaged in drills, parades or other duty, during business hours ordered by proper authority, or for field training or active service of the state for a maximum period of thirty days in any one calendar year. The term "without loss of pay" means that the officer or employee shall continue to receive his normal salary or compensation notwithstanding the fact that such officer or employee may have received other compensation from federal or state sources during the same period. Benefits of this section shall not accrue to individuals ordered or called to active duty by the President.

8. Professional Leave

The superintendent may provide release time for any professional serving as a mentor, serving on the staff development council, or curriculum teams, or professional support teams. In attending to these matters personnel shall be deemed to be performing job related functions, and shall attend these meetings without loss of pay or work time. Individuals who serve as coaches in addition to other responsibilities have a duty to prevent absences from the classroom as much as possible and to consult with his/her immediate supervisor regarding the need to be absent; however, it is understood that the performance of these duties may require absences from the primary responsibility.

8.1 Individuals who have engaged in the process of becoming a National Board Certified Teacher, shall be afforded up to two (2) full days to assist them in the final preparation of documents and materials prior to assessment. These days may be used in whole or in part and may be used only after the individual has exhausted their "other personal leave (not illness)" days for that school year.

9. Court Proceedings

Any employee who is subpoenaed to appear as a witness, but not as a defendant, in any criminal proceeding in any court of law may make such appearance without loss of pay or accumulated leave. The board shall pay to such employee the difference between the witness fee, exclusive of travel allowances payable for such an appearance by the court, and the amount of salary due the employee for the time he/she is absent from employment by reason of answering such subpoena.

9.1 Any employee who is required to serve on any jury during the period of his/her contract with the board unless excused therefore by judge of the court may make such appearance without loss of pay or accumulated leave. In the case of service on a jury the board shall pay the difference between that allowed for such jury service and the amount of salary due the person for such period of time.

10. Personal Leave Increments

Personal leave may not be taken for periods of less than one-half day at a time.

11. Other Absences

An employee who is absent for any reason other than those stated above will be absent without pay and must obtain proper approval, as discussed herein. Also, any employee who fails to fulfill his/her contract with the board, or who is in violation of the provisions of this policy, may be subject to disciplinary action for willful neglect of duty, pursuant to 18A-2-8.

11.1 Any employee who has exhausted all accrued leave and must be absent without pay is required to notify the superintendent of the need for such absence. The superintendent may temporarily approve an unpaid absence, subject to approval at the next regular meeting of the Board of Education, if deemed justified by proper documentation and reason. If the Board of Education does not approve the absence, the employee will be required to return to work immediately or face disciplinary action.

12. Forms

Forms for applying for personal leave shall be furnished by the Board of Education. These forms shall be completed by the employee and returned to his/her principal the day said employee returns to work unless otherwise stipulated in this policy.

13. Family and Medical Leave

The board shall provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for the Board of Education at least one year, and have worked a minimum of 1,250 hours over the previous 12 months.

13.1 Leave shall be granted for any of the following reasons:

13.1.1 To care for the employee’s child after birth, or placement for adoption or foster care;

13.1.2 To care for the employee’s spouse, son or daughter, or a parent, (immediate family), who has a serious health condition; or

13.1.3 For a serious health condition that renders the employee unable to perform the employee’s job.

13.1.4 Because of a “qualifying exigency” arising out of the fact that an employee’s spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status in the National Guard or Reserves in support of contingency operation.

13.2 Advance Notice and Medical Certification

The employee shall be required to provide advance leave notice and medical certification. Taking a leave may be denied if requirements are not met.

13.2.1 The employee shall provide 30 days advance notice when the leave is “foreseeable”

13.2.2 The employee shall provide medical certification to support a request for leave because of a serious health condition, and the board may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work.

13.3 Job Benefits and Protection

13.3.1 For the duration of FMLA leave, the board shall maintain the employer’s portion of the employee’s health coverage under any “group health plan”.

13.3.2 Upon return from FMLA leave, the employee shall be restored to his/her original or equivalent positions with equivalent pay, benefits and other employment terms.

13.3.3 The use of FMLA shall not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

For purposes of this policy, a "serious health condition" is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either (1) prevents the employee from performing the functions of the employee's job, or (2) prevents family members from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days, combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may also meet the definition of continuing treatment.

For purposes of this policy, a "qualifying exigency" arises out of the fact that an employee's spouse, parent, or child is on active duty, or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation as a member of the National Guard or Reserves. A "qualifying exigency" may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings, and other activities associated with the family member's call or order to service. An employee whose spouse, parent, or child is a member of the Regular Armed Forces is not eligible for FMLA leave based upon a "qualifying exigency."

13.4 "Injured Servicemember" Military Family Leave.

In addition to the basic types of FMLA leave discussed above, an eligible employee who is the parent, child, spouse or next of kin (nearest blood relative other than the servicemember's parent, spouse or child) of a "covered servicemember" is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a covered servicemember shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the covered servicemember.

13.5 Spouses. If both an employee and his/her spouse work for Pleasants County Schools, the employee and spouse may be limited to a combined 12 weeks (or a combined 26 weeks to care for an injured or ill service member).

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