

CHAPTER: PERSONNEL
TITLE: EMPLOYEE LEAVES AND ABSENCES

Each employee of the school system shall be entitled annually to one and one-half days personal leave for each month of employment. Unused leave shall be cumulative without limitation. Absenteeism not specifically provided for in this policy statement will be considered to be leave without pay.

NO CAUSE PERSONAL LEAVE

Each employee may use up to five days of personal leave each year without regard to the reason for the absence. Provided:

1. Notice must be given to the employee's principal or immediate supervisor at least twenty-four hours in advance, except in the case of sudden and unexpected circumstances.
2. The leave may not be taken on consecutive work days unless authorized by the principal or immediate supervisor.
3. No more than fifteen percent or three employees, whichever is greater, have not already notified their principal or their immediate supervisor of their intention to use personal leave on that day.
4. Such leave may not be used in connection with a concerted work stoppage or strike.
5. No cause personal leave days may accumulate from year to year to a maximum of five (5) days to be available in any one year.

PERSONAL ILLNESS

Each employee may use any or all accrued personal leave if he or she is absent due to sickness or injury. Employees who are absent more than five consecutive days due to illness or injury shall be required to file a certificate by the attending physician.

ILLNESS IN THE IMMEDIATE FAMILY

School employees may use accrued personal leave for absences resulting from an illness in the immediate family. Employees who are absent more than five consecutive days due to family illness or injury shall be required to file a certificate by the attending physician.

The immediate family is defined as: Any person with whom the school employee may be living or the father, mother, son, daughter, brother, sister, husband, wife, in-laws, grandparents, and grandchildren.

DEATH IN THE IMMEDIATE FAMILY

A school employee shall be eligible to receive full pay for three days absence because of a death in the immediate family. A school employee shall be granted one full day for bereavement at his/her discretion. The superintendent may approve absences extending beyond three days for death in the immediate family when circumstances justify such extensions.

CONTAGIOUS DISEASE

When any school or schools are closed because of contagious diseases, time lost because of the closing of school(s) shall be counted as taught and the teacher shall receive pay the same as if school were in session. When an appropriate health authority determines the presence of a school employee on duty jeopardizes the health of others, the employee shall be required to take leave without loss of pay, not to exceed days of accumulated personal leave.

LEAVE WITHOUT PAY

The superintendent may authorize any employee to be absent without pay with prior approval.

MILITARY LEAVE

All officers and employees of the State, or subdivisions or municipalities thereof, who shall be 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, status, or efficiency rating, 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 the officer or employee shall continue to receive his/her 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.

FAMILY LEAVE

A school employee shall be entitled to a total of twelve weeks of unpaid FAMILY LEAVE following the exhaustion of all his or her annual and personal leave, during any twelve month period for the following reasons:

1. Birth of a son or daughter of the employee.
2. Placement of a son or daughter with the employee for adoption.
3. To care for the employee's son, daughter, spouse, parent or dependent who has a serious health condition.

In the case of a serious health condition, the leave may be taken intermittently when medically necessary.

If an employee requests Family Leave to care for a family member with a serious health condition, the board may require the employee to provide certification by a health care provider of the family member's health condition.

The position held by an employee immediately before the leave shall be held for that employee and the employee shall be returned to that position.

LEAVE OF ABSENCE

Requests for leaves of absence should be made well in advance of the proposed leave. The Board will look most favorably on those requests which are for professional advancement.

Leaves of absence may be granted for a period of up to one year. Generally, leave of absence will not be approved to end during an instructional time.

A classroom teacher who requests a leave of absence to become effective on or before July 15, but after the employment term ends, and who has given written notice at any time during the school year which has been received by the Board of Education shall have public employee insurance coverage until August 31 of that year.

Leaves of absence will be granted contingent upon the employee's agreement to inform the superintendent by April 1 of the year in which the leave terminates of his/her intention to return to work the following year or to apply for an extension of his/her leave. Employees on leave of absence who have not notified the superintendent by April 1 of their intention to return to work will have their employment terminated.

Any teacher who is returning from an approved leave of absence that extended for a period of one year or less shall have the right to be assigned back into the same assignment of position or duties he/she had when the leave was granted. The teacher will retain all seniority, rights, and privileges which had accrued at the time of the approved leave of absence. (The one year referred to in this policy will begin July 1 and continue through June 30).

Such employee who returns from an approved leave of absence for the purpose of pregnancy, childbirth, or adoptive or infant bonding which lasted for a period of one year or less than one year shall be reemployed with the right to be restored to the same assignment of position or duties and benefits held prior to the approved leave of absence. Such employee shall retain all rights and privileges generally accorded employees at the time of reemployment.

MEDICAL LEAVE OF ABSENCE

An employee who is absent from work due to medical reasons and who has exhausted all his/her personal leave shall be placed on an unpaid medical leave of absence. An employee on a medical leave of absence shall provide a statement of a qualified physician certifying that the employee is unable to work. Likewise, an employee requesting to return to work from an approved medical leave of absence, shall provide the Board of Education with a statement of a qualified physician certifying that the employee is able to return to work.

Any employee absent for medical causes shall be entitled to continue his/her public employees' health insurance program for up to one year, provided the employee is on a medical leave of absence approved by the Board of Education.

The employee and Board of Education shall continue to pay their proportionate share of premium costs, provided the Board of Education shall be obligated to pay its proportionate share of the premium cost only for a period of one year.

Provided, however, that during the period of such leave of absence, the employee shall at least once each month submit to the Board of Education payroll department a statement of a qualified physician certifying that the employee is unable to return to work.

Seniority will not accrue during the time of the leave of absence unless the medical leave of absence results from an injury which is covered by Workers' Compensation.

LEAVE FOR JURY DUTY

1. Personnel called for jury duty will be granted civil leave and will not be charged as personal leave.
2. Personnel called for jury duty are guaranteed that they will receive at least the equivalent of whatever daily rate of pay they are receiving as employees of the Calhoun County Board of Education. The Board will pay the difference between the pay for jury duty and their regular pay.
3. The employee must furnish the payroll department with a copy of the summons for jury duty.

LEAVE FOR ASSAULT/BATTERY AND WITNESS THEREOF

Any employee who is assaulted and/or battered in the performance of his/her duties and who chooses to file charges and any fellow employees who are witnesses will be granted civil leave and will be released from their duties without loss of pay or without charging of personal leave time to appear in the magistrate court or circuit court in connection with any hearing or trial relative to the charges filed.

LEAVE WHEN SUBPOENAED AS A WITNESS

1. Personnel who are involuntarily subpoenaed to be a witness, or if the subpoena is not the result of their personal action or cause shall be granted civil leave and will not be charged personal leave. The employee shall receive the equivalent of whatever daily rate of pay he is receiving. The Board will pay the difference between the pay as a witness and the regular daily pay.
2. The pay of an employee subpoenaed for reasons resulting from personal affairs or volunteering as a witness shall be deducted as prescribed by State or County Board policy.
3. The employee must furnish the payroll department with a copy of the subpoena.

WORKERS' COMPENSATION

West Virginia Board of Education policy 5612, section 4, "Use of Personal Leave Benefits with Workers' Compensation Benefits" restricts the payment of personal leave benefits and the charging of personal leave time used to any employee receiving a Workers' Compensation benefit from a claim filed against and billed to a county board of education.

Any employee of Calhoun County Board of Education is required to notify the payroll office upon their being awarded Workers' Compensation benefits. Adjustments to accrued personal leave and pay will be made accordingly.

REFERENCE: WVC 18A-4-10; SBP 5612

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