

HUMAN RESOURCESEMPLOYEE LEAVESI. PERSONAL LEAVE FOR ILLNESS OR OTHER CAUSES

A. Coverage

1. Personal leave as herein outlined shall be accorded to all regularly employed personnel. At the beginning of employment, any full-time employee of the Ohio County Board of Education shall be entitled to at least one and one-half days personal leave for each employment month or major fraction thereof in the employee=s regular employment term. Unused leave shall be accumulative without limitation and shall be transferable within the state.

B. Conditions

1. Employees shall qualify to use accumulated personal leave for the following reasons:

a. Illness on the part of or injury to the employee, incapacitating him/her for duty.

1. Whenever personal leave is occasioned by personal illness, including childbirth or injury, the employee shall furnish a certificate from the attending physician that is dated and gives approximate date for return to work. The certificate from the attending physician shall be submitted by the employee for all consecutive days of sick leave granted beginning on the fourth day. The need for a physician=s certificate beginning with the first day of absence may be warranted and shall be determined by the immediate supervisor on a case by case basis. In addition, the Ohio County Schools Verification for Sick Leave form shall be submitted every thirty (30) calendar days for any extended leave. Forms are available in the immediate supervisor=s office and the Human Resource Office.

2. In the case of illness/injury occurring away from work, the principal or immediate supervisor must be notified in time to allow for arrangements to be made to cover the duties during the employee=s absence.

3. If an injured employee is awarded Workers= Compensation, such employee shall receive personal leave compensation only to the extent such compensation is required, when added to the Workers= Compensation benefit, to equal the amount of compensation regularly paid prior to the award of the Workers= Compensation benefit, such amount which, when added to the benefit is in excess of the employee=s regular pay shall be deducted from the employee=s subsequent pay. The employee=s accrued personal leave days shall be charged only for such days as equal the amount of personal leave compensation required to

- compensate the employee at the employee=s rate of pay.
4. Employees who are members of the Sick Leave Bank may request additional leave pursuant to Ohio County Board of Education Sick Leave Bank Policy following the exhaustion of their accumulated personal leave.
 - b. Death in the immediate family of the employee. The immediate family is defined as: father, mother, son, daughter, brother, sister, husband or wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step children, foster children, and may also be extended to cover those occasions involving death of a person (related or not related) who has been living within the immediate household or for whom the employee has legal responsibility. A maximum of five days for each occurrence may be used.
 - c. Employee absence for illness in the immediate family (see the preceding paragraph) of such a serious nature as to require the presence of the employee will be limited to provisions outlined in Section V of these regulations, Family Leave. A physician=s statement indicating that the employee=s presence is required must be submitted according to provisions outlined in I.B.1.a.1 of these regulations.
 - d. Exposure to a contagious disease and determination by an appropriate health authority that the presence on duty of the employee may jeopardize the health of others.
 - e. Personal Days. Each regular full-time employee of the Board shall be permitted three (3) personal days annually, which may be taken without regard to the cause for the absence. However, such leave shall not be used in connection with a concerted work stoppage or strike. Furthermore, personal leave without cause may not be taken on consecutive work days unless authorized or approved by the employee=s immediate supervisor. If personal days are requested, the notice of said request shall be given to the employee=s principal or immediate 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 practicable; 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, as the case may be, have previously notified the principal or immediate supervisor of their intention to use that day for such leave. West Virginia Code '18a-4-10 (1989).

II. SHORT TERM LEAVE WITHOUT PAY

- A. Short Term Leave Without Pay may be granted following approval by the principal or immediate supervisor and the Superintendent, not

to exceed 10 days per school year, contingent upon the following:

1. Completion of the Employee Application to be Absent From Work form.
2. Approval by the principal or immediate supervisor indicates that appropriate coverage has been arranged for the duration of the absence.
3. The approved Employee Application to be Absent from Work form must be received by the employee prior to the absence.
4. In accordance with West Virginia Code and judicial precedent, approved short term leave without pay does not affect seniority.

III. MEDICAL LEAVE WITHOUT PAY

- A. When an employee becomes ill or injured and used all sick leave, and has not applied for a leave of absence, the Human Resources Office shall notify the employee by certified mail of placement on medical leave without pay. Within two weeks from the date of notification, the employee shall contact the Human Resource Office, in writing, specifying a date when he or she will be available to return to work. Prior to returning to work on specified date, written permission from the attending physician shall be submitted to the Human Resource Office. The Human Resource Office will contact the principal or immediate supervisor to authorize the employee=s return to work.
- B. For any extended medical leave without pay, a Verification for Sick Leave Physician Certificate shall be submitted to the Human Resource Office every thirty (30) calendar days. Forms shall be available to employees in the immediate supervisor=s office and the Human Resource Office.
- C. A medical leave of absence without pay shall be limited to one year. Should an employee be unable to return to work after one year, his/her employment with Ohio County Schools shall be terminated. An employee must return to work for a minimum of one full year employment term before being eligible to take any kind of additional medical leave of absence without pay. An employee on a leave of absence for other than medical reasons shall not be construed to be the equivalent of returning to work for a minimum of one full year employment term.

IV. MILITARY SERVICE

- A. 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 employment pursuant to West Virginia Code '15-1F-1(2001). Additionally, applicable provisions of 38 U.S. Code '4301-4333(1994), the Uniformed Services Employment and Reemployment

Rights Act, and any other federal or state statutes governing benefits to be provided to Uniformed Services members shall apply.

V. FAMILY LEAVE

- A. An employee who has worked for at least twelve consecutive weeks 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:
 - 1. Because of the birth of a son or daughter of the employee;
 - 2. Because of the placement of a son or daughter with the employee for adoption; or
 - 3. In order to care for the employee=s son, daughter, spouse, parent, or dependent who has a serious health condition.

- B. If an employee requests family leave to care for a family member with a serious health condition as authorized in this article, the employer may require the employee to provide certification by a health care provider of the health condition.

The certification shall be sufficient if it contains the following:

- 1. That the child, dependent, parent, or employee has a serious health condition;
 - 2. The date the serious health condition commenced and its probable duration; and
 - 3. The medical facts regarding the serious condition.
- C. In the case of a son, daughter, spouse, parent, or dependent who has a serious health condition, such family leave may be taken intermittently when medically necessary.
- D. An employee may take family leave on a part-time basis and on a part-time leave schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve consecutive months, and such leave shall be scheduled so as not to disrupt unduly the operations of the employer.
- E. If a leave because of birth or adoption is foreseeable, the employee shall provide the employer with two weeks written notice of such expected birth or adoption.
- F. If a leave under this section is foreseeable because of planned medical treatment or supervision, the employee shall:
 - 1. make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee=s son, daughter, parent, or dependent; and
 - 2. provide the employer with two weeks written notice of the treatment or supervision.

VI. SABBATICAL LEAVE - West Virginia Code '18-2-11 (1989).

- A. Employees holding continuing contract status are eligible to be granted an unpaid sabbatical leave for the following reasons:
 - 1. Education - Educational leave may be requested by an employee for a maximum of one year. Upon completion of the leave and prior to returning to his/her position, the employee must provide a transcript from an accredited institution of higher education reflecting full-time student status during the period covered by the leave.
 - 2. Special Professional or Government Assignment - West Virginia Code '18A-2-2 (1989). - A professional employee on a continuing contract may be granted release time, not to exceed one year, for special professional or governmental assignment. These assignments shall not be construed to mean holding a position in the same or similar capacity in another elementary or secondary school setting.
 - 3. Leave Without Cause - Leave without cause, not to exceed the employment term of the employee may be granted to employees with ten or more years of service in Ohio County Schools. No more than five percent of the employees may be granted leave without cause at any given time. Employees shall be eligible under this provision for leave without cause with each additional ten years of service. (Employees with more than 20 years of service who have not taken a leave without cause may take two such leaves, although the leaves without cause cannot be consecutive. An employee must return to work for a minimum of one full year employment term before being eligible to take any additional kind of sabbatical leave.)
- B. Sabbatical Leaves shall be requested to become effective at the beginning of the employee=s employment term and will terminate at the conclusion of the employee=s term of employment (i.e., 200 days; 220 days; 230 days; 240 days; 261 days.)
- C. Employees who are admitted to approved doctoral programs or participating in the NBC (National Board Certification) program may receive up to 3 professional leave days per school year for attendance at required classes/meetings pertaining to the program. Expenses for attendance are not reimbursable by the county.

VII. GUIDELINES - REQUESTING A LEAVE/RETURNING FROM A LEAVE

- A. The following procedures must be followed by an employee who is granted a leave of absence under these regulations:
 - 1. Requests for a leave must be submitted in writing to the Human Resource Office at least two weeks in advance when possible.
 - 2. All sabbatical leaves must be approved by the Board of Education.
 - 3. Any leave of absence without pay must be approved by the Board of Education for insurance reasons.

4. An employee must give notice in writing of intent not to return to his/her position 30 days prior to the expiration of the leave.

B. Seniority shall be accrued during any approved leave of absence.

C. Any employee who is returning from an approved leave of absence that extended for a period of one year or less shall be reemployed by the Board of Education with the right to be restored to the same assignment of position or duties held prior to the approved leave of absence.

Should an employee be returning from an approved leave of absence exceeding one year, reemployment to the same position or duties held prior to such leaves shall not be guaranteed.

Such employee shall retain all seniority, rights and privileges which had accrued at the time of the approved leave of absence and shall have all rights and privileges generally accorded employees at the time of the reemployment.

D. Any changes in these regulations shall be effective for all employees, including those currently on a leave of absence on the effective date of the revision.

VIII. SPECIAL BOARD OF EDUCATION CONSIDERATION

Subject to the provisions of the West Virginia Code and Ohio County Board of Education Leave Policy and Regulations, the Board of Education reserves the right to consider special leave of absence requests on a case by case basis for approval when deemed in the best interest of the system.

REGULATION REVISED: June 25, 2018

REGULATION REVIEWED: June 11, 2018

REGULATION REVIEWED: June 9, 2014

REGULATION REVISED: January 30, 2007

REGULATION ADOPTED: September 24, 1990

OHIO COUNTY BOARD OF EDUCATION