

A POLICY STATEMENT OF

THE HANCOCK COUNTY BOARD OF EDUCATION  
New Cumberland, West Virginia 26047

**PROFESSIONAL and SERVICE STAFF LEAVES and ABSENCES WITHOUT PAY**

The Hancock County Board of Education supports West Virginia Code §18A-2-2a and its provision for extended leave without pay. Such leave may be requested for periods up to one (1) year. An employee shall not be required, but may use accumulated paid leave, prior to taking an extended leave. The Board shall consider employees to be entitled to extended leave in accordance with the definitions, criteria and notice procedure set forth in WV Code §18A-2-2a. No policy, procedure or action by the Board shall constitute a waiver of the requirements of WV Code §18A-2-2a.

A leave of absence is a suspension of one's employment contract by mutual agreement between the Hancock County Board of Education (upon recommendation of the Superintendent) and the employee. An employee on leave of absence is relieved for the duration of the leave of absence of all work duties as an employee of the Board of Education. For the period included in the leave of absence, the employee receives neither salary nor holiday pay, and the employee accrues neither vacation nor personal leave days. Seniority, however, will accumulate in accordance with West Virginia law. Board of Education action must be taken on all leaves of absence.

Upon written request, the Board of Education may grant a leave of absence to an employee holding tenure status for not more than one (1) year and not less than one (1) semester, or the remaining portion thereof.

In accordance with West Virginia Code §18A-2-2a, any employee who is returning from an approved leave of absence that extended for a period of less than one year maintains the right to be restored to the same assignment of position or duties held prior to the approved leave of absence. Such employee shall retain all seniority, rights and privileges which were accrued at the time of the approved leave of absence, and shall have all rights and privileges generally accorded employees.

**Unpaid Medical Leave**

Any employee who is on a medical leave of absence, approved by his/her employer, is entitled to continue his/her insurance coverage until s/he returns to his/her employment. The employee and employer shall continue to pay their proportionate share of premium costs for the coverage under the West Virginia Public Employees Insurance Agency program only for a period of one (1) year, if during the period of the leave of absence, the employee shall, at least once each month, submit to the employer the statement of a qualified physician certifying that the employee is unable to return to work. If the medical leave of absence extends beyond one (1) year, the employee will be required to pay the full cost of coverage for PEIA insurance and insurance coverage provided by the County Board.

**Leave Due to Workers' Compensation**

Any employee who is on a medical leave of absence approved by the employer and is receiving temporary total disability benefits from Workers' Compensation is entitled to continue PEIA coverage until s/he returns to work. The employer and employee must continue to pay their respective proportional shares of the premium cost for as long as the employee receives temporary disability benefits. If an employee, who is not eligible to receive temporary total disability benefits under Workers' Compensation, fails to pay any premium due, the employer may terminate insurance coverage. If an employee who is eligible to receive such benefits under Workers' Compensation fails to pay his/her premium payment, the Board shall notify such employee that the Board shall continue to make its share of the premium payment while such employee continues to be eligible for temporary total disability benefits but, that the insurance provider may terminate the policy coverage for lack of full premium payment.

**Personal Leave/Military Leave**

Any employee may continue insurance coverage while on a personal leave of absence approved by the Board. The employee shall be responsible for the premium costs for each month during a personal leave of absence. An employee may continue insurance coverage during an approved family leave. An employee who is on an approved military leave of absence without pay, due to an active call of duty from the President, is entitled to continue health and life benefit coverage for as long as premium payments are made. The employee is responsible for paying their employee share of the premium costs for each month during the military leave of absence.

An employee shall not be required to use accumulated annual leave or sick leave prior to taking an extended leave of absence.

**Willful Absence from Employment and/or Abuse of Paid and/or Unpaid Leave (*Dock Days*)**

The term *dock day* is not a legal term in WV School Law but is commonly used by employees and employers. A dock day is used to mean a work day on which the employee does not report to work and for which the employee has no remaining paid leave to cover. Employees may apply for a maximum of up to five dock days without pay, per school year. Dock days will not be carried forward and will not accumulate to the next work year. In addition, they may not be used to accept other employment or work outside the school system for compensation. Requests for dock days must be submitted at least two weeks prior to the date of leave and must be approved by the immediate supervisor and the board of education. No employee shall be permitted to exercise a dock day unless he/she has first submitted a prior written request to use a dock day.

Any employee who is willfully absent from his/her duties without some form of approved leave shall be subject to disciplinary action, up to and including termination of his/her employment contract. Employees who make excessive use of leave or who demonstrate a suspicious pattern of using leave shall be subject to investigation.

The Board does recognize that unforeseen circumstances and opportunities may arise for an employee which would merit special consideration. The administration has the authority to consider granting leaves for employees, up to a maximum of three (3) days total per school year for vacation purposes, educational trips, or any other cause which is not otherwise covered by this policy. The Superintendent, in his/her reasonable discretion, may approve this request, provided that the leave does not harm the operation of the schools or have an adverse effect on students. All requests will be evaluated on a case by case basis.

Date Adopted: 8/25/14  
Date Amended: 2/13/17  
Date Reviewed:

*The above Policy Statement is an integral part of the Official Policy Manual of this Board of Education as of the date shown adopted.*