

Summers County Board of Education

Scope: This policy is enacted by the county board to establish and a personal leave bank and a personal leave donation program for all county employees.

Authority: W. Va. Code § 18A-4-10; 18A-4-10f; Minute Book.

Adopted: May 11, 2011, Replaces IV-J-11 Employee Personal Leave Bank: adopted September 10, 1987; Rev. December 12, 1991; November 14, 1996; November 14, 2007; January 23, 2008, November 4, 2009 and replaces IV-J-10 Sick Leave Donation Policy: adopted November 14, 2007.

Amended: August 9, 2022.

Reviewed: June 28, 2022.

EMPLOYEE PERSONAL LEAVE BANK AND PERSONAL LEAVE DONATION PROGRAM

The Board has established a Personal Leave Bank and a Personal Leave Donation Program, in accordance with West Virginia Code §18A-4-10 and §18A-4-10f.

The following definitions apply to both the Personal Leave Bank and the Personal Leave Donation Program and the following words have the meanings specified unless the context clearly indicates a different meaning:

1. "Catastrophic medical emergency" means a medical or physical condition that:
 - a. Incapacitates an employee or an immediate family member for whom the employee will provide care;
 - b. Is likely to require the prolonged absence of the employee from duty; and
 - c. Will result in a substantial loss of income to the employee because the employee:
 - i. Has exhausted all accrued personal leave; and
 - ii. Is not eligible to receive personal leave or has exhausted personal leave available from a leave bank established pursuant to this article;
2. "Employee" means a professional educator or school service person who is employed by a county board and entitled to accrue personal leave as a benefit of employment;
3. "Donor employee" means a professional educator or school service person employed by a county board who voluntarily contributes personal leave to another designated employee; and
4. "Receiving employee" means a professional educator or school service person employed by a county board who receives donated personal leave from another employee.

Personal Leave Bank

The Personal Leave Bank shall be a joint bank for both professional and service employees, subject to the following:

1. An employee may not be coerced or compelled to contribute to the Personal Leave Bank.
2. Each participating employee may contribute up to two days of personal leave per school year.
3. A newly hired regular employee of the Board may enroll to participate in the Personal Leave Bank within thirty days of the first day of employment, at which time the employee shall elect to contribute one or two days of personal leave per school year. The number of days elected to be contributed by the employee shall remain the same, unless and until the employee changes his/her election during the annual open enrollment period.
4. An annual open enrollment period for regular employees shall begin on September 1st of each school year and shall conclude on September 30th of the same school year, at which time the employee shall elect to contribute one or two days of personal leave per school year. The number of days elected to be contributed by the employee shall remain the same, unless and until the employee changes his/her election during the annual open enrollment period.
5. Each personal leave day contributed:
 - a. shall be deducted from the number of personal leave days to which the donor employee is entitled;
 - b. shall not be deducted from the personal leave days without cause to which a donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee;
 - c. shall be credited to the receiving employee as one full personal leave day;
 - d. shall not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee; and
 - e. shall be used only for an absence due to the purpose for which the leave was transferred.
6. The use of Personal Leave Bank days is limited to an active employee with fewer than five days accumulated personal leave who is absent from work due to accident or illness of the employee.
7. For every two days the employee has accrued in his/her personal leave balance as of the onset of the accident or illness of the employee, the employee will be permitted to use one day from the Personal Leave Bank following the depletion of all accrued personal leave days, not to exceed one hundred days for the same accident or illness. (Example: An employee eligible to use the Personal Leave Bank suffers an accident or illness. At the onset of the accident or illness, the employee has accrued ninety days of personal leave. The employee is permitted to use up to forty-five days from the Personal Leave Bank. In the event the member returns to work prior to using forty-five days, the unused days will be returned to the Personal Leave Bank.

8. Any transferred personal leave days remaining when the accident or illness of the employee ends shall revert back to the Personal Leave Bank, as determined by the Chief School Business Official and/or Superintendent.
9. The administration, subject to county board approval, may use its discretion as to the need for a substitute where limited absence may prevail, when an allowable absence does not:
 - a. directly affect the instruction of the students; or
 - b. require a substitute employee because of the nature of the work and the duration of the cause for the absence.
10. If funds in any fiscal year, including transfers, are insufficient to pay the full cost of substitutes for meeting the provisions of this section, the remainder shall be paid on or before the August 31 from the budget of the next fiscal year.
11. The use of days to qualify for or add to service for any retirement system administered by the state is prohibited.
12. The use of days to extend insurance coverage pursuant to W.Va. Code §5-16-13 is prohibited.

Personal Leave Donation Program

A donor employee may transfer accrued personal leave to the personal leave account of another designated employee, subject to the following:

1. A donor employee may not be coerced or compelled to contribute to a leave donation program.
2. The donor employee voluntarily agrees to the personal leave transfer.
3. The donor employee selects the employee designated to receive the personal leave transferred.
4. The receiving employee requires additional personal leave because of a catastrophic medical emergency.
5. The receiving employee has exhausted all accrued personal leave and the employee is not eligible to receive personal leave or has exhausted personal leave available from the Personal Leave Bank.
6. The number of personal leave days a donor employee may transfer to a receiving employee who is his/her spouse is unlimited.
7. The number of personal leave days a donor employee may transfer to a receiving employee who is not his/her spouse is unlimited.
8. The total number of personal leave days a receiving employee receives is unlimited.

9. Any transferred days remaining when the catastrophic medical emergency ends revert back to the donor employee. In the event the receiving employee received personal leave days from more than one donor employee, the unused days shall revert to the donor employees on a pro-rata basis as determined by the Chief School Business Official and/or Superintendent.
10. Each personal leave day contributed:
 - a. Shall be deducted from the number of personal leave days to which the donor employee is entitled by W.Va. Code §18A-4-10;
 - b. Shall not be deducted from the number of personal leave days without cause to which the donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee;
 - c. Shall be credited to the receiving employee as one full personal leave day;
 - d. May not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee; and
 - e. May be used only for an absence due to the purpose for which the leave was transferred.
11. The use of days to qualify for or add to service for any retirement system administered by the state is prohibited.
12. The use of days to extend insurance coverage pursuant to W.Va. Code §5-16-13 is prohibited.

Eligibility Determination

Eligibility to receive days from the Personal Leave Bank and through the Personal Leave Donation Program will be determined by the Chief School Business Official and/or Superintendent.

The employee, or designee (if the employee is unable to do so), requesting to receive days must notify the Board of, at a minimum, the reason for the need for days from the Personal Leave Bank or Personal Leave Donation Program by completing a form designated by the Chief School Business Official and/or Superintendent.

Any employee seeking to donate days through the Personal Leave Donation Program must complete a form designated by the Chief School Business Official and/or Superintendent specifying, at a minimum, the number of days sought to be donated and the intended recipient of such donation.

Once a donation of days is approved, the donor employee relinquishes all claims to said days.