

## C. PERSONNEL

**PERSONAL LEAVES AND ABSENCES WITHOUT PAY**

Those employees who have a continuing contract (with specific exceptions delineated) may be considered for an unpaid leave of absence. Requests for such leaves of absence must be submitted in writing to the Personnel Office at least ten working days in advance of the commencement of such leave when possible.

All leaves of absence must be approved by the Raleigh County Board of Education. An employee on approved leave of absence who decides to resign rather than return to his/her position must give written notice of at least 10 days prior to the end of the leave when possible. Employees on approved leaves of absence shall continue to accrue seniority as outlined in West Virginia State Code, Sections 18A-4-7b and 18A-4-8g.

Any employee returning from an approved leave of absence (for any reason), when such leave of absence extends for a period of one year or less shall be reemployed by the Raleigh County Board of Education with the right to be restored to the same assignment of position or duties and benefits held prior to the approved leave of absence, PROVIDED such position exists.

Should an employee return from an approved leave of absence extending for more than one year, reemployment to the same position or duties held prior to the approved leave of absence shall not be guaranteed.

Employees returning from approved leaves of absence 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 reemployment.

Leaves of absence for personnel shall be granted by the Raleigh County Board of Education for the following reasons with the following stipulations and requirements:

1. **Medical Leave** - *(NOTE: Employees using accumulated personal leave shall follow the procedures outlined in **Raleigh County File: GBRI-R, Personal Leaves and Absences**)*

An employee who exhausts all sick leave as a result of injury or illness and continues such absence beyond exhaustion of such leave shall request a medical leave of absence except as prohibited by West Virginia State Code. The employee's immediate supervisor shall have authority to approve such requests which extend for ten days or less. Such requests extending beyond ten days must be approved by the Board. Prior to returning to work, such employee shall submit a written release from the attending physician for the employee to return to full duties.

If such medical leave of absence extends beyond 30 days, the employee must submit the appropriate personal leave card with the attending physician's statement to the immediate supervisor every 30 calendar days.

The maximum medical leave of absence which the Board will approve is one calendar year. Any employee wishing to extend a medical leave of absence beyond one year must reapply to the Board for approval. Should an employee be unable to return to work after

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the expiration of the approved medical leave, his/her employment with Raleigh County will be terminated.

Under such approved medical leave of absence, PEIA insurance benefits shall continue for the duration of the approved leave of absence. For employees whose leaves of absence extend for one year or less, the employee shall pay his/her proportionate share and the County shall pay its employer's contribution. In the event an employee is granted a medical leave of absence extending beyond one year, the employee must pay the entire premium amount (employee's as well as employer's share) for any period of time extending beyond one year.

The provisions of this section of the policy shall be deemed to grant employees those rights afforded under the Federal Family and Medical Leave Act. Employees cannot claim additional rights through this Act.

Upon approval, the provisions of this section shall be effective for all employees (probationary and continuing contract status) including those currently on a medical leave of absence.

2. **Sabbatical** (WV Code 18-2-11) – Employees are eligible to be granted an unpaid sabbatical leave of absence for the following reasons:
  - a. *Education* – The Raleigh County Board of Education will generally look favorably on those requests which are for professional advancement. Employees holding continuing contract status may request an educational leave of absence for a maximum of one year. The employee must provide proof of enrollment as a full time student (twelve or more semester hours for undergraduate work; nine or more semester hours for graduate work) in order to be granted the leave. Upon returning, the employee must provide a transcript from the accredited institution of higher education where the work was completed. This transcript must also reflect full time student status.
 

Employees with ten or more years of service with Raleigh County Schools who are enrolled in a doctoral program may request additional leave up to two years upon providing proof of doctoral candidate status from the accredited institution of higher education.
  - b. *Special Professional or Government Assignment* – (WV Code 18A-2-2) – Professional employees on continuing contract may be granted released time not to exceed one year for special professional or government assignment. Such assignment shall not be construed to be another similar position in an elementary or secondary setting.
  - c. *Leave Without Cause* – Employees with ten or more years of service to Raleigh County Schools may be granted a leave without cause not to exceed one year. No more than 5% of the employees may be granted such leave at any given time. Employees shall be eligible for such leave with each additional ten years of service.

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Any employee granted a sabbatical leave of absence and wishing to continue coverage under the PEIA insurance shall be responsible for paying the entire premium amount (employee's as well as employer's share) throughout the duration of the leave of absence. In deciding whether to grant such discretionary leaves of absence as outlined in this section, the Board will take into consideration the amount and length of leaves such employee has taken in the recent past prior to the current request.

3. **Military** – (WV Code 15-1F-1) - Any employee who is a member 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 of 30 days in any one calendar year. An employee who is ordered or called to active duty by the President of the United States shall be entitled to an additional leave of absence from their respective offices or employments **without loss of pay**, status or efficiency rating for a maximum of 30 days.

The Raleigh County Board of Education also adopts as part of this policy the provisions of the Uniformed Services Employment & Reemployment Act of 1994 (USERRA), including subsequent changes to this Act as may be enacted by the United States Congress.

4. **Maternity/Infant Bonding Leave** – (WV Code 18A-2-2a) – Raleigh County Board of Education shall approve a leave of absence for any teacher or service employee who requests an extended leave of absence without pay for any period of time not exceeding one year for the purpose of pregnancy, childbirth or adoptive or infant bonding. An employee shall not be required to use accumulated annual leave or sick leave prior to taking an extended leave of absence.

An employee granted a leave of absence for the purposes of this section shall be entitled to continued PEIA insurance benefits for a maximum of twelve weeks by paying his/her proportionate share. The Raleigh County Board of Education shall pay its employer's contribution. The employee must pay the entire premium amount (employee's as well as employer's share) for any period of time extending beyond the twelve-week period.

5. **Parental Leave Act** - (WV Code 21-5D et *seq.*) – Any employee who has been employed for at least twelve consecutive work weeks shall be entitled to a total of twelve weeks of unpaid family leave following the exhaustion of all of his/her annual and personal leave during any twelve-month period because of the birth of a son or daughter of an employee; because of the placement of a son or daughter with the employee for adoption; or in order to care for the employee's son, daughter, spouse, parent, or dependent who has a serious health condition.

The Raleigh County Board of Education adopts as part of section of the policy Article 5D, of Chapter 21 of the West Virginia State Code including any subsequent to this statute adopted by the West Virginia Legislature.

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An employee granted a leave of absence for the purposes of this section shall be entitled to continued PEIA insurance benefits for a maximum of twelve weeks by paying his/her proportionate share. The Raleigh County Education shall pay its employer's contribution.

6. **Family and Medical Leave Act of 1993** – The rights and privileges granted to employees of the Raleigh County Board of Education under this policy cover those rights afforded employees under the Federal Family and Medical Leave Act.
7. **Employees Covered Under Workers' Compensation Benefits** – Any employee who has received Total Temporary Disability (TTD) benefits under the West Virginia Workers' Compensation Fund and whose case is closed for the payment of TTD benefits is expected to return to work or declare themselves unable to return to work. The Personnel Office shall notify such employee of his/her expected return date, generally thirty days from the date of the County's letter to the employee. Any employee failing to report to work by the deadline shall have his/her employment with the Raleigh County Board of terminated.
8. **Special Board of Education Consideration** - Subject to the provisions of the West Virginia Code and Raleigh County Board of Education policies 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.

In deciding whether to grant such discretionary leaves of absence as outlined in this section, the Board will take into consideration the amount and length of leaves such employee has taken in the recent past prior to the current request.

Legal Source: WV Code Sections 18A-2-2a, 18A-2-2, 18-2-11, and 15 -IF-I; Uniformed Services Employment & Reemployment Rights Act of 1994; Federal Family and Medical Leave Act of 1993; West Virginia State Board of Education Policy 5530

Approved: November 12, 2002