

PERSONAL LEAVE DONATION

1.0 Purpose

Pursuant to West Virginia Code 18A-4-10f, the Tyler County Board of Education does hereby institute this policy to establish a means by which employees may donate personal leave with cause days to any specific employee who is experiencing a catastrophic medical emergency.

2.0 Definition

2.1 Catastrophic medical emergency - A medical or physical condition that incapacitates an employee, or a member of his/her immediate family for whom the employee will provide care, that will require the prolonged absence of the employee and will result in a substantial loss of income due to the employee's exhausting of all accrued personal leave, including leave awarded by a leave bank, or who is ineligible for an award of additional leave from a leave bank. The Superintendent, or the Superintendent's designee, shall be the sole judge upon the question of whether an employee is experiencing a "catastrophic medical emergency."

2.2 Employee - A professional or service personnel employee of the Tyler County Board of Education who is entitled to personal leave.

3.0 Procedures

3.1 An employee may voluntarily transfer an unlimited number of personal leave with cause days to his/her spouse who is experiencing a catastrophic medical emergency as defined in this policy.

3.2 An employee may voluntarily transfer up to ten (10) personal leave with cause days to an employee who is not his/her spouse.

3.3 Donated personal leave with cause day(s) may not be used to qualify for or add to service for any retirement system administered by the state or to extend insurance coverage provided by PEIA.

3.4 Donated personal leave with cause day(s) shall be credited to the receiving employee as one full personal leave with cause day without adjustment being made based upon the hourly wage of each employee.

3.5 Days will be removed from a donor employee's balance in accordance with the date/time of the donor employee signature. If forms with identical date and times are received, then alphabetical order will be used to determine the order of removal. The donor may not stipulate dates of absences to be covered.

3.6 Donated personal leave with cause day(s) shall be used only for an absence due to the purpose for which the personal leave with cause day(s) was/were donated.

3.7 Donated personal leave with cause day(s) unused following the end of a catastrophic medical emergency shall be returned to the donor. The Superintendent, or the Superintendent's designee, shall be the sole judge upon the question of whether a catastrophic medical emergency has ended. The determination of any unused personal leave with cause day(s) to be returned to a donor shall be made based upon the order in which the personal leave with cause day(s) was/were received. Donated personal leave with cause days shall be used in chronological order as received.

3.8 No employee shall be coerced or compelled to contribute personal leave with cause days.

3.9 Any violation of this policy may constitute grounds for a disciplinary action, which may include, but not be limited to, a letter of reprimand, the loss of a number of donated personal leave with cause days, and/or suspension without pay.

3.10 All requests to donate personal leave with cause days pursuant to this policy are to be submitted to the Superintendent or his/her designee on the appropriate form provided.

4.0 Severability

If any portion of this policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this policy.

All appropriate forms can be found in The Tyler County Administrative Procedures Manual.

Source: W.V. Code §§18A-4-10f, 13-16-5

Date(s): 5/21/18, 8/1/11, 2/4/08