

## TYLER COUNTY POLICY: GL

### LEAVE FOR ILLNESS AND OTHER CAUSES

Full-time and half-time regular employees benefit from two (2) different kinds of leave; leave for illness, hereinafter called sick leave, and personal leave without cause. Leave for all regularly employed personnel is earned at the rate of one and one-half (1.5) days per month of service for full-time employees, and three-quarters (.75) of a day per month for half-time regular employees with unlimited accumulations, transferable within the State of West Virginia. Accumulated leave shall be transferable to Tyler County from other educational agencies/institutions of the State of West Virginia governed by similar policies as determined by the county superintendent. Days transferred will be credited to the employee upon written verification from the previous employer.

Reasons for the authorized use of sick leave shall be absence from assigned duty due to personal accident, personal illness, illness in the family, death in the immediate family of the employee, or for the following reasons:

- 1) Employee unable to perform assigned duties: Sick leave may be used where the individual is unable to perform his or her assigned duties because of illness or injury resulting from sickness or an accident. If an employee is absent more than three (3) consecutive days, the sick leave form must be accompanied by a doctor's verification of illness.
- 2) Maternity Leave: Pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery there from shall be treated for leave purposes as any other temporary disability rendering an employee unable to perform her duties.

When an employee is unable to perform her duties because of pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery there from, the employee is entitled to take sick leave under the same terms and conditions as for any other disability, but only to the extent of the sick leave to which the employee is entitled. Sick Leave may also be available for maternity reasons under provisions of the Family and Medical Leave Act.

- 3) Death In the Family: A maximum of five (5) sick leave days may be used. For this section only, immediate family shall include the employee's spouse, father, mother, son, daughter, brother, sister, grandparent, grandchild, stepfather, stepmother, stepchild, legal guardian, father-in-law, mother-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, niece, nephew, aunt, uncle, cousin or any other person living in the household of the employee.

- 4) Illness in the Family. An employee may use sick\_leave to care for ill members of the family. An absence of more than three (3) consecutive days will require a doctor's verification of illness. For purposes of this section of the policy in accordance with WV Code 21-5D-2, The Parental Leave Act, family shall include the employee's spouse, child, dependent, mother or father, mother-in-law, father-in-law, sibling, or grandchild. By definition, dependent means any person who is living with and dependent upon the income of the Board employee.
  
- 5) Serious illness of the employee's spouse, parent(s), or child. A reasonable number of sick leave days may be used by the employee to care for his or her spouse, parent, child, mother-in-law, father-in-law, sibling or grandchild who has a serious health condition, in accordance with the provision of The Parental Leave Act. By definition, a serious health condition means a physical or mental illness, injury or impairment which involves:
  - a) Inpatient care in a hospital, hospice or residential health care facility; or
  - b) Continuing treatment, health care or continuing supervision by a health care provider.
  
- 6) Quarantine. Sick leave days will be granted for a quarantine in which the employee is included, as ordered by a duly authorized health official. Sick leave will be approved until the quarantine is retracted or the employee's accumulated days are exhausted.
  
- 7) Medical Appointments. Sick leave days may be used for medical appointments for the employee or family members but must be accompanied by verification from the doctor stating the time and date that you were seen by the doctor/medical personnel. Any sick leave days used for medical appointments that are not accompanied by the verification will be considered "Personal Leave Without Cause".

#### PERSONAL LEAVE WITHOUT CAUSE:

Each regular full-time employee shall be permitted three (3) days of personal\_leave annually without regard to cause. Each employee shall be entitled to carry over a total of three (3) unused personal leave without cause days, provided that an employee may not accrue more than six (6). Personal leave without cause days in excess of six (6) will be credited to the employee's total accumulated leave.

The following restrictions apply:

- a. Personal leave without cause may not be taken on consecutive days unless authorized by the principal or immediate supervisor.
- b. Requests to use personal\_leave must be given to the principal or immediate

supervisor at least 24 hours in advance, except in the case of sudden and/or unexpected circumstances, in which case, such notice shall be given as soon as reasonably practical;

- c. The use of such day may be denied if, at the time notice is given, either fifteen percent (15%) of the employees or three employees, whichever is greater have previously filed notice with their supervisor of intent to use that day for such leave; and
- d. Personal and sick leave shall not be used in connection with a concerted work stoppage or strike.

If an employee should use personal or sick leave which has not been earned and subsequently leaves his/her employment, the person shall be required to reimburse the Board for the salary or wages paid for such unearned leave.

All personal leave claims shall be submitted on the Personal Leave Application Form.

Obvious abuse of personal leave privileges will not be honored and false reporting of the same by the employee may be construed as breach of contract on the part of the employee.

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. An employee who is found to have improperly exercised paid leave shall be subject to disciplinary action, up to and including termination of his/her employment.

#### OTHER LEAVE

Employees shall not be absent from their assigned duties beyond their earned paid leave days except as authorized by the county superintendent or his/her designee pursuant to this policy.

The Superintendent may approve up to a maximum of five (5) unpaid leave days per school year. Such unpaid leave days require prior approval by the county superintendent or his/her designee and may be granted for vacation purposes, educational trips, or any other absence which may not be covered in this policy or policies GL, GM, GN, and GP. Nothing in this policy should be interpreted to entitle any employee of the Board to any amount of unpaid leave beyond what is already required by state and federal law. The granting of unpaid leave under this policy is permissive, not mandatory.

No employee shall be permitted to take an unpaid leave day for any reason unless he/she has first submitted a prior written request to do so.

Employee requests to exercise an unpaid leave day(s), before or after the exhaustion of an employee's earned paid leave, must be made in writing and delivered to a staff member in the office of the county superintendent no later than 12:00 p.m. on the school day prior to the date on which the employee is seeking an unpaid leave day under this policy. For example, an employee wanting to exercise an unpaid leave day on a Wednesday must deliver his/her request to a staff member in the office of the county superintendent no later than 12:00 p.m. on Tuesday. This is not a mailing date deadline. The written request must be in the hands of a staff member in the office of the county superintendent by this deadline. The form may be sent electronically to the superintendent. Employee requests made after the deadline established by the policy may not be honored.

In the event that an employee has zero (0) paid leave days remaining must report off due to an emergency and pre-approval is not possible, the employee may report to their immediate supervisor and put the day in the eSchool Smart Find system as an unpaid leave day. The employee must submit the written request to the Superintendent within 48 hours after returning to work. An employee's failure to submit the paperwork within this 48 hour period shall be treated as insubordination under WV Code §18A-2-8. "Emergency" for the purpose of this paragraph is defined as a situation that poses an immediate risk to health, life, property, or environment. Most emergencies require urgent intervention to prevent a worsening of the situation.

Any employee who has exhausted his/her earned paid leave time and is absent from his/her duties without prior approval is subject to disciplinary action, up to and including the termination of his/her employment contract with the Board.

WORKERS' COMPENSATION CLAIM -- Payment of personal leave benefits and the charging of personal leave time used shall be restricted, if the employee is receiving a workers' compensation benefit from a claim filed against and billed to the Tyler County Board of Education. If the employee is awarded such benefit, he or she shall receive personal leave compensation only to the extent such compensation is required, when added to the workers' compensation benefit to equal the employee's regular pay. If personal leave compensation equal to the employee's regular pay is paid prior to the award of workers' compensation, such determined overpayment shall be deducted from the employee's subsequent pay.

REFERENCE: WV Code 21-5D-1 through 21-5D-9 (Article 5D) - The Parental Leave Act; The Family and Medical Leave Act of 1993

DATE: 6/25/18, 8/17/15, 2/18/13, 11/20/07, 6/6/05, Effective 7/1/04 (Approved 6/22/04)