

LEAVE OF ABSENCE

By definition, a leave of absence is a suspension of one's employment contract by mutual agreement between the employee and the Tyler County Board of Education, for a period of time not to exceed one year. If requested in writing by the employee, the Board of Education can review and extend a leave of absence.

The Board shall approve such leave for any employee who requests leave for the following purpose:

- A. Pregnancy;
- B. Childbirth;
- C. Adoption or infant bonding

The Board may grant a leave of absence for the following reasons:

1. A demonstrated inability or unfitness to perform one's duties due to one's physical or emotional condition;
2. Special professional or government assignment; or
3. Other specific or compelling individual reasons.

The Board may not grant a leave of absence to allow the employee to accept other employment.

Following an approved leave, the employee shall be reinstated to the same position held prior to the leave

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

Employees retain all seniority, rights and privileges generally accrued up to the time the leave commenced and shall have all rights and privileges generally accorded fulltime personnel at the time of return from an approved leave of absence, under the conditions above.

At least ten (10) days written notice to the Board is required prior to the beginning date of the leave.

UNPAID STATUS

An employee who is absent from work for an extended period of time due to personal medical reasons and who has exhausted all personal and sick leave, but does not request an approved medical leave of absence, shall be placed on an unpaid status.

An employee on unpaid status shall be required to provide a physician's statement certifying that the employee is unable to return to work.

Under these conditions, the employee is not entitled to receive any pay or other benefit, except one year's personal and sick leave which, if not earned by subsequent work, will have to be repaid by the individual. The employee is not entitled to compensation for school holidays or vacation time, or days when school is closed due to an emergency situation, once he or she has been compensated for earned personal leave days.

An employee on unpaid leave status shall not accrue years' experience for increment pay purposes or vacation time (261 day employees).

FAMILY LEAVE

An employee who has been employed by the Tyler County Board of Education for at least twelve (12) months shall be entitled to a total of twelve weeks of unpaid leave, during any twelve month period, after exhaustion of all of the employee's applicable annual sick and personal leave, for the following reasons:

1. Birth of the employee's child.
2. Placement of a child with the employee for adoption.
3. In order to care for the employee's son, daughter, spouse, parent or dependent who has a serious health condition. With respect to this reason, leave may be taken intermittently when medically necessary. Leave may be taken on a part-time basis and on a part-time leave schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve consecutive months. Such leave shall be scheduled so as not to unduly disrupt the operations of the school system, as determined by the superintendent.

"Serious health condition" under the family Medical Leave Act is one that requires either inpatient care or "continuing treatment by a health care provider."

If a leave because of birth or adoption is foreseeable, the employee shall provide the Board with two (2) weeks written notice of such expected birth or adoption. This type of leave may not be taken intermittently or on a part time basis. The right to this type of leave expire twelve (12) months after the date of birth or the placement of the child. Spouses are not permitted to double up take 12 weeks of leave each for a total of 24 weeks.

If a leave is foreseeable because of planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt the operations of the school system.

The employee's position status during and following return from family leave shall be as follows:

1. The position held by the employee immediately before the leave shall be held for that employee and the employee shall be returned to that position. The Board may engage a temporary employee (s) during the period of the parental leave.
2. The employee's benefits and seniority that accrued before his/her leave commenced shall be retained.
3. The employee shall continue to accrue seniority during the period of approved leave under this section.
4. The Board shall continue to pay its share of group health insurance coverage for the employee during the time of the approved leave.

The superintendent shall cause to be posted at each work location a notice setting forth the employee's rights under this law.

LEAVE FOR MILITARY DUTY

In accordance with WV Code 15-1F-1, employees who are members of the national guard or any United States military reserve unit shall be entitled to leave of absence, without loss of pay, on the days they are ordered by proper authority to participate in drills, parades, or other duty, or for field training or active service for a maximum of thirty (30) working days in any calendar year. Employees shall also be entitled to an additional thirty (30) days, with pay, if ordered to active duty by the President of the United States.

REFERENCE: Article 5D. The Parental Leave Act, WV Code 21-5D-1 thru 21-5D-9; Federal Family and Medical Leave Act of 1993; WV Code 18A-4-7b, 18A-4-8g; 18A-2-2a; State Superintendent's Interpretation, 2-18-87.

DATE: 3/21/16, 3/4/13, 4/2/07, 3/4/96