

# PERSONNEL MANAGEMENT

## 819.01 Leave of Absence

### A. General Instructions

Upon the recommendation of the Superintendent, the Mingo County Board of Education may grant leaves of absence to permanent employees, as it deems appropriate. The request for a leave of absence must be submitted to the Superintendent/Designee in writing in advance of the absence except where otherwise noted. Any leave of absence request, which exceeds thirty (30) days, shall require Board approval; the Superintendent/Designee may approve any request for thirty (30) days or less. Employees granted leaves under this policy shall, except where otherwise noted, receive no salary during the period of the leave; will not be eligible for any paid holidays or OSE days or snow days, etc., during the period of the leave; and will not be granted time toward experience credit for the period of the leave except where they are granted such by state or federal law. An employee returning from a leave of absence shall be reemployed with the right to be restored to the same position held prior to the leave. The employee shall retain the rights, privileges, and benefits accrued at the time of the approved leave of absence. Seniority shall continue to accrue during a leave of absence. Any unpaid absence from work may be granted only in accordance with this policy.

### B. Military Leave

#### 1. Thirty (30) Days or Less

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 his/her employment without loss of pay, status or efficiency rating, on the days during which he/she 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 period of thirty working days in any one calendar year. The term "without loss of pay" means that the employee shall continue to receive his/her normal salary or compensation, notwithstanding the fact that the employee may have received other compensation from federal and state sources during the same period. Benefits of this section shall accrue to any employee ordered or called to active duty by the President of the United States for an additional twenty-four working days after he/she reports for active service.

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### **B. Military Leave (Continued)**

#### **2. More Than Thirty (30) Days**

The Mingo County Board of Education shall grant military leave without pay to any employee who is inducted into the military under selective service laws for the initial enlistment period, and for any employee who is a member of the National Guard or Reserve Unit of the United States Armed Forces, who is called for active duty which extends beyond 30 days. The leave shall be for the duration of the duty.

In order to be eligible for reemployment and tenure benefits, the employee shall:

- a. Satisfactorily complete the period of active duty and have a certificate to that effect.
- b. Be qualified to perform the duties of his/her position. If he/she is disabled during military service and cannot perform the duties of his/her previous position, he/she shall be given priority status over other employees in filling vacancies if qualified.
- c. Make timely application for reemployment after release from military training or service or from hospitalization continuing after discharge for a period of not more than one year. Application must be made within 90 days after completion of military service, or within 30 days after completion of initial training of not less than three months.

### **C. Educational Leave**

The Board may grant educational leave without pay not to exceed one year to an employee for the purpose of attending school provided the employee is enrolled as a full time student and is pursuing a course of study that will better qualify him/her for the position he/she is employed to do or another position in the school system. Educational leave may also be granted for an employee to participate in a visiting teacher program or to participate in State Department of Education programs if selected as West Virginia Teacher of the Year. Educational leave may not be extended beyond one year.

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### **D. Medical Leave**

The Board may grant unpaid medical leave for personal illness or disability to an employee who has exhausted all his/her personal leave. Employee requests for medical leave must include written certification from a health care provider which specifies the nature and duration of the illness or temporary disability and should be presented prior to the initiation of the leave when possible.

### **E. Birth, Adoption, and Infant Bonding Leave**

An employee shall be entitled to twelve (12) weeks of unpaid leave, to care for or bond with his/her newborn or adopted child. The leave may be extended for a maximum of one school year plus the remainder of the school year in which the child was born or adopted.

1. Requests for leave because of birth or adoption shall include documentation from a health care provider for a birth, and from an adoption agency for an adoption which certifies the birth or adoption. Leave for infant bonding shall be granted only in conjunction with birth or adoption.
2. If the leave is foreseeable, the employee shall provide the Superintendent/Designee with two weeks written notice of such expected birth or adoption.
3. The employee may take the twelve (12) weeks leave on a part-time basis on a part-time schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve consecutive months, and such leave shall be scheduled as not to disrupt unduly the operation of Mingo County Schools.

### **F. Political Leave**

The Board shall grant political leave to any employee serving in the Legislature. The leave shall be paid if the employee has personal leave available, or unpaid if the employee has exhausted his/her personal leave. Political leave shall not be granted to an employee leaving the system to hold any other elective public office.

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### **G. Family Leave (Serious Health Condition/Life Threatening Illness)**

An employee shall be entitled to twelve (12) weeks of unpaid leave following the exhaustion of all his/her personal or annual leave during any twelve month period in order to care for spouse, child, dependent or parent who has a serious health condition or life threatening illness.

1. The leave may be taken intermittently when medically necessary;
2. The employee may take the leave on a part-time basis and on a part-time schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve consecutive months, and such leave shall be scheduled as not to disrupt unduly the operation of Mingo County Schools;
3. If the leave is foreseeable , the employee shall provide two weeks notice of the request;
4. The employee shall provide written certification from a health care provider which specifies:
  - a. That the spouse, dependant parent, or child has a life threatening illness or serious health condition;
  - b. The date the life threatening illness or serious health condition commenced and its probable duration;
  - c. The medical facts regarding the life threatening illness or serious health condition.

### **H. Other Leave**

A maximum of seven (7) days per school year without pay may be approved for vacation purposes, educational trips, or any other absence(s) which may not be covered in this policy.

**REFERENCE:** West Virginia Code 15-1F-1, 15-1F-8, 18A-4-10, 21-5D-1, 21-5D-4, 18A-2-2a, Federal Selective Service Laws

**ADOPTION:** September 22, 1998