

<p>PRESTON COUNTY BOARD OF EDUCATION FILE: 8 – PERSONNEL MANAGEMENT File: 8-15 Leave of Absence</p>	<p>Last Reviewed: 6-28-10 Next Review: 7-01-12</p>
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Upon the recommendation of the Superintendent, the Preston 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. 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 of one year or less shall be reemployed with the right to be restored to the same position or duties 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.

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R 8-15-1 Military Leave

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 a leave of absence from his/her employment without loss of pay, status or efficiency rating on days during which s/he is ordered by properly designated authority, to be engaged in drills, parades, or other duty during business hours, 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.

Employees who are called to active duty by the properly designated federal authority shall be entitled to military leave of absence without loss of pay, status or efficiency rating for a maximum period of 30 working days for a single call to active duty. Provided, that an employee who has not used all or some portion of military leave for the reasons defined above may add the number of unused days from that calendar year to the thirty working days up to a maximum of 60 days for a single call to active duty. Unused days for a military leave of absence may not be carried over and used in the next calendar year.

Employees who are called to active duty by the properly designated federal authority for a period of time that extends beyond the 60 days mentioned above shall be placed on unpaid leave for the duration of the activation period with the right to return to the position they held at the time of the activation. In order to be eligible for reemployment, employees shall:

- ❖ Satisfactorily complete the period of active duty and have a certificate to that effect;
- ❖ Be qualified to perform the duties of their former position. If they are disabled during military service and cannot perform the duties of their old job, they may be entitled to the nearest comparable job they are qualified to perform; and

- ❖ Make timely application for reemployment after release from military training or service or from hospitalization continuing after discharge or for a period of not more than one year. Application must be made within 31 days after completion of active duty or release from a medical facility.
(WVC §15-1F-1)

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R 8-15-2 Educational Leave

The Board may grant educational leave not to exceed one year to an employee for the purpose of attending school provided the employee meets one of the following conditions:

- ❖ The employee is enrolled in a defined program of studies and is carrying a course load of nine or more credit hours in each term of the school year for which a leave has been granted. The course work shall be such that it will better qualify him/her for the position in which s/he is employed;
- ❖ The employee seeks to qualify for employment in another position in the school system (documentation of the course load described above must be provided);
- ❖ Grade reports indicating satisfactory classroom performance must be submitted to the Superintendent at the conclusion of each semester of work;

Educational Leave may also be granted for the following reasons:

- ❖ The employee has been selected to participate in a visiting teacher program;
- ❖ Educational leave may also be granted for an employee to participate in State Department of Education programs if selected as West Virginia Teacher of the Year; or
- ❖ Employees may be granted leave to fulfill a required practicum.

Educational leave may not be extended beyond one year.
(WVC §18A-2-2a)

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R 8-15-3 Medical Leave

The Board may grant unpaid medical leave for personal illness to an employee who has exhausted all his/her personal leave and s/he has exhausted his/her rights as defined in File: 8-16 Family Medical Leave Benefits. 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.

Employees who have exhausted their rights as defined in *File: 8-16 Family Medical Leave Benefits* may also be granted unpaid medical leave to care for a spouse, parent, dependent or child who has a serious health or life threatening condition. Leave requests for this reason must include written certification from a health care provider which specifies:

- ❖ that the spouse, parent, dependent, or child has a life threatening illness or serious health condition;
- ❖ the date the life threatening illness or serious health condition commenced and its probable duration; and
- ❖ the medical facts regarding the life threatening illness or serious health condition.
(WVC §18A-2-2a; §21-5D-4 and Family and Medical Leave Act of 1993)

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R-8-15-4 Birth, Adoption, and Infant Bonding Leave

The *Hudok v. BOE of Randolph County* case requires the application of the “greater benefit” rule which allows Preston County employees to have 12 weeks of family leave following the exhaustion of all annual and personal leave, during any twelve-month period. The unpaid 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.

- ❖ 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.
- ❖ If the leave is foreseeable, the employee shall provide the Director of Personnel with two weeks written notice of such expected birth or adoption.
- ❖ 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 the Preston County Schools; any extended leave shall not be taken on a part-time schedule/basis.
(WVC §21-5D-4)

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R 8-15-5 Political Leave

The Board shall grant political leave to any employee serving in the Legislature. Political leave shall not be granted to an employee leaving the system to hold any other elective public office.
(WVC §18A-2-2a)

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R 8-15-6 Jury Service/Witness Subpoenas

Notwithstanding any other provision of law, school employees shall be required by law to serve on any jury during the period of their contract with the Preston County Board of Education unless excused by the Judge of the Court.

Any person employed by the Preston County Board of Education who is subpoenaed to appear as a witness, but not as a defendant, in any criminal proceeding in any court of law may make such appearance without any loss of pay.

The Preston County Board of Education is responsible to pay to such employee the difference between the jury fee/witness fee, exclusive of travel allowances payable for such an appearance by the court, and the amount of salary due the person for the time s/he is absent from employment by reason of answering such duty or subpoena.

(WVC §18A-5-3 and §18A-5-3a)

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R 8-15-7 Attendance at Association and/or Conference Meetings

With the approval of the Superintendent, two representatives from the Preston County Education Association, two representatives from the Preston County Professional Educators, and two representatives from the Preston County School Service Personnel Association may be released from school duties without loss of pay to attend association meetings. When substitutes are necessary the Board will pay for them. Except in case of emergencies, representatives must give the principal 10 days notice when substitutes must be employed. A separate request must be made for each meeting an individual desires to attend. Attendance request forms are available from the Central Office. They should be submitted at least 10 days in advance of the event.

The number of release days, without loss of pay, shall be restricted to two days per school year for each organization unless the local representative is on the agenda for the state organizational meeting, and if so, a copy of the agenda must accompany the "meeting attendance request."

A request for attendance of a teacher, principal or other employee at professional or educational meetings initiated by the Superintendent or by the Board of Education in the interest of the school system or the program shall be considered an integral part of employment, with time allowed and all necessary expenses borne by the Board.

All central administrative or supervisory staff whose employment, either stipulates or is understood through precedent to include all necessary expenses to attend professional meetings need only the approval of the Superintendent to attend meetings at Board expense. However, when such participation or attendance at meetings, conferences, etc., exceeds five employment days, Board approval is required.

(WVC §18A-2-2a)

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R 8-15-8 Short-Term Leave

An employee, upon recommendation of the Superintendent, may be granted leave for a period not to exceed 15 working days. Any absence without pay not covered by other sections of these regulations is considered a short-term leave.

(WVC §18A-2-2a)

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Adopted: July 22, 1996
Amended/Revised: June 28, 2010