

PRESTON COUNTY BOARD OF EDUCATION

FILE: 8 – PERSONNEL MANAGEMENT

File: 8-11 Personal Leave Benefits

Last Reviewed: 6-28-10

Next Review: 7-01-12

At the beginning of his/her employment term, each permanent employee shall be entitled annually to one and one-half personal leave days for each employment month or major fraction thereof in the employee's employment term. Unused leave shall be accumulative without limitation. If an employee should use personal leave which s/he has not yet accumulated on a monthly basis and subsequently leaves his/her employment, the employee shall be required to reimburse the Board for the salary or wages paid to him/her for such unaccumulated leave.

R 8-11-1 Definition of Terms

- ❖ **Child** - Any individual who is a biological, adopted, or foster child, a stepchild or a legal ward of an employee, and is (1) under eighteen years of age; or (2) eighteen years of age or older and incapable of self-care because of mental or physical disability.
- ❖ **Close Relative** - This will include the aunt, uncle, nephew, or niece of an employee.
- ❖ **Consecutive Days** - Consecutive days shall refer to paid work days.
- ❖ **Dependent** - Any individual whom is living with or dependent upon the income of an employee whether related by blood or not.
- ❖ **Employee** - Any individual, hired for permanent employment for the Preston County Board of Education.
- ❖ **Health Care Provider** - A person, partnership, corporation, facility, or institution licensed, certified or authorized by law to provide professional health care services in West Virginia to an individual during this individual's care, treatment, or confinement.
- ❖ **Illness** - This will include any physical, mental, or emotional ailment, accidental injury, or any medical reason, including pregnancy, which will be considered a temporary disability which prevents an employee from doing his/her job.
- ❖ **Immediate Family** - This will include the spouse, father, mother, grandfather, grandmother, son, daughter, grandson, granddaughter, brother, sister, or dependent of an employee.
- ❖ **In-Law** - This will include the mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law of an employee.
- ❖ **Parent** - Biological, foster or adoptive parent, a stepparent or a legal guardian.
- ❖ **Personal Leave** - This will include any day(s) for which an employee is to be paid except those days worked, and legal holidays, and OSE days.
- ❖ **Serious Health Condition or Life Threatening Illness** - A physical or mental illness, injury, or impairment which involves inpatient care in a hospital, hospice, or residential health care facility; or continuing treatment, health care, or continuing supervision by a health care provider.
- ❖ **Son or Daughter** - Any individual who is a biological, adopted, or foster child, a stepchild, or a legal ward of an employee.

- ❖ **Spouse** - Any person legally married to an employee of the Preston County Board of Education.
- ❖ **Sudden and Unexpected Circumstance and Emergency** - Any event which would not allow twenty-four hour notice.
- ❖ **Twenty-four Hour Notice** - This will be defined as twenty-four hours in advance of the time that an employee is required to report to work.

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R 8-11-2 Allowable Reasons for Personal Leave

- ❖ **Personal Illness** - Personal leave shall be granted when an employee is absent from work because of personal illness. Leave requests for more than three consecutive days shall require written certification from a health care provider which specifies the nature and duration of the illness.
- ❖ **Death in the Immediate Family** - Personal leave of three days shall be granted to an employee upon the death of a member of his/her immediate family.
- ❖ **Death of In-laws** - Personal leave of three days shall be granted to an employee upon the death of an in-law.
- ❖ **Funeral of a Close Relative** - Personal leave of one day shall be granted to an employee to attend the funeral of a close relative.
- ❖ **Funeral of a Fellow Employee** - Personal leave of one-half day shall be granted for an employee to attend the funeral of a fellow employee.
- ❖ **Illness of Member of Immediate Family** - Personal leave of ten days per school year shall be granted when an employee is absent from work to care for an ill member of his/her immediate family. Leave requests for more than three consecutive days shall require written certification from a health care provider which specifies the nature and duration of the illness.
- ❖ **Leave Without Cause (Miscellaneous Day)** - Personal leave of three days per school year shall be granted to an employee without regard to the cause for the absence in accordance with the guidelines in *R 8-11-3*.
- ❖ **Serious Health Condition or Life Threatening Illness of Spouse, Parent, Dependent, or Child** - Personal leave shall be granted when an employee is absent from work to care for his/her spouse, parent, dependent, or child who has a serious health condition or life threatening illness. 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.

The number of personal leave days used for this reason may not exceed the total number of paid leave days to which the employee is entitled.

- ❖ **Birth, Adoption, and Infant Bonding** - Personal leave shall be granted when an employee is absent from work to care for his/her newborn or adopted son or daughter. Leave requests for this reason 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. Personal leave for bonding shall be granted only in conjunction with a birth or adoption.

The number of personal leave days used for this reason may not exceed the total number of paid leave days to which the employee is entitled.

- ❖ **Personal Development**

- Personal leave of one day per school year shall be granted when an employee is absent from work to attend a seminar, conference, etc., which will enhance their performance as an employee. A written summary of the seminar, conference, etc., which specifies the benefits of the employee received must be submitted with the leave claim.
- Personal leave of three days per school year shall be granted for an employee who is an officer or elected representative of an employee or professional organization to attend a meeting or meetings of such organization. Documentation of attendance at the meeting(s) agenda of the meeting(s), etc.) must be submitted with the leave claim.
- Personal leave of one day per school year shall be granted for an employee to attend a legislative session for the purpose of meeting with members of the legislature regarding issues that directly affects the educational system/process. Leave requests must be submitted in advance to the principal or immediate supervisor and shall be limited to a maximum of two employees per school or work station per day and a maximum total of ten employees county-wide per day. The principal or immediate supervisor shall request approval from the Superintendent or designee in advance for all leave requests for attendance at a legislative session. A maximum total of twenty employees per school year shall be approved (60% professional and 40% service).

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R 8-11-3 Guidelines for Submitting Personal Leave Requests

- ❖ Failure on the part of an employee to comply with these regulations in all respects shall be considered sufficient cause for voiding the claim of that employee for personal leave payment. The fraudulent submission of a leave request shall be grounds for dismissal of the employee.

- ❖ It shall be the duty of each employee to notify his/her principal or immediate supervisor at the earliest possible time before an absence occurs. The employee must state the reason for the absence and when s/he expects to return to work. For leave without cause (miscellaneous day) a reason need not be stated if the request is made 24 hours in advance. If the principal or supervisor cannot be reached, the employee shall notify the Director of Personnel.
- ❖ Claims for personal leave must be made on the proper form and must include all of the information required by the Personal Leave Policy. The Superintendent or designee shall examine all claims and process for payment those claims which are properly presented and meet all the requirements of the policy. S/he shall refuse any claim that is not properly filed, that does not fall within the guidelines of the policy, or that s/he has reason to believe is fraudulent. To prevent abuse, claims which are believed possibly fraudulent will be investigated.
- ❖ All claims for personal leave except leave without cause (miscellaneous day) days must be submitted to the principal or supervisor on the form provided by the county office within seven days after the employee returns to work or the claim will be voided.
- ❖ Expenses (lunch, travel, registration, etc.) shall not be approved for personal development leave, nor shall credit be granted for, or in lieu of required staff development hours.
- ❖ Additional leave may be granted to an employee by the superintendent or his designee upon the death of an immediate family member or in-law, because of extraordinary circumstances such as travel distance.
- ❖ If an employee is on personal leave, s/he will receive credit for a Legal Holiday or OSE day which occurs during the leave; staff development day(s) and parent-teacher conference day(s) shall be counted as personal leave days unless the employee has completed the requirements for said days.
- ❖ Personal leave may be utilized by an employee only during their employment term.

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R 8-11-4 Personal Leave without Cause (Miscellaneous Days)

- ❖ Notice of such leave shall be given to the employee's principal or immediate supervisor at least 24 hours in advance, except that in the case of sudden and unexpected circumstances, such notice shall be given as soon as reasonably practicable. If the principal or supervisor cannot be reached, the employee shall contact the Director of Personnel for approval.
- ❖ The use of such leave shall be denied if, at the time notice is given either 15 percent of the employees, or three employees, whichever is greater, under the supervision of the principal or immediate supervisor, have been notified the principal or supervisor of their intention to use that day for such leave.
- ❖ The employee shall request approval for leave without cause without stating a cause by completing and submitting the appropriate form at least 24 hours in advance.

- ❖ If the request is submitted less than 24 hours in advance, the employee must upon returning to work complete the proper form, explain the sudden and unexpected circumstances preventing the request to have been filed within the 24 hours prior to limitation period, and submit the form to the principal or immediate supervisor within two days after returning to work. All requests filed with the principal or immediate supervisor, less than 24 hours in advance are required to have the approval of the principal or immediate supervisor and the Director of Personnel. Neglect in giving proper notice is grounds for rejection of request.
- ❖ Personal Leave without cause may be taken on consecutive days within the following regulations:
 - Consecutive days may or may not be approved during the last week of school depending upon administrative approval.
 - Consecutive days may or may not be approved preceding or following a holiday depending upon administrative approval.
- ❖ A maximum of two (2) leave days without cause may be carried over from year to year.
- ❖ Any employee who feels that his/her claim was improperly processed may appeal the decision to a review committee composed of the Director of Personnel; the president of the Preston County Education Association; the president of the Preston County Principals' Association; and the president of the Preston County School Service Personnel Association. This review committee shall meet when there are appeals to process and review claims appealed to it.

The committee shall have the authority to process for payment by majority vote any claim previously rejected. The committee shall report its actions to the employee making the appeal and to the Superintendent. However, either the Superintendent or the employee, who filed the claim may appeal the decision of the review committee directly to the, Preston County Board of Education in writing within five (5) days of receiving the committee report. The decision of the Board of Education is final.

 - All paid leave is charged against the employee's total allowable number of personal leave days.
 - All approvals are subject to an allocation of days for that purpose actually being available.
- ❖ Full-time employees may be granted up to 120 hours of paid leave in a calendar year to use for the employee's donation of any portion of an adult liver or adult kidney. They may also be granted up to 56 hours of paid leave to use for the employee's donation of adult bone marrow.
(WVC §18A-4-10)

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