

### 2.8.1 Personal Leave

Personal leave may be used by a full-time employee of the Board of Education for: 1. Sick Leave – Sick Leave is defined as an absence due to personal illness or personal accident.

2. Death in the Immediate Family – For purposes of this policy, immediate family shall include husband, wife, son, daughter, mother, father, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandfather, grandmother, granddaughter, grandson, or any relative living in household of employee.
3. Critical Illness in Immediate Family – Employee may use personal leave due to critical illness in the family. (Critical illness shall be interpreted to mean confinement to hospital or under doctor's care at home.)
4. Emergency Leave – This provision is intended to include a maximum of five days per year out of the year's allotment of personal leave. Requests for additional days under this provision may be submitted in writing to the superintendent. Emergency leave covers absences for the following reasons:
  - a. Family emergency – fire, flood, accidents, etc.
  - b. Illness in immediate family (not critical) requiring employee to be with family member
  - c. Legal actions
  - d. Doctor appointments that cannot be scheduled on other than school time
  - e. Quarantine due to exposure to communicable disease and determination by appropriate health authority that presence on duty may jeopardize the health of others
  - f. Funerals or critical illnesses that do not fall within the description set forth in subparagraphs 2 and 3 above Approved 10/28/04 - Effective 2004-2005 Term
5. Leave Without Cause – Each employee, who qualifies, shall be permitted ~~three~~ four days of such leave annually, which may be taken without regard to the cause for the absence, except that personal leave without cause may not be taken on consecutive work days unless authorized or approved by the employee's principal or immediate supervisor, as the case may be. In the event the employee does not use all four days within a school year, they employee may accumulate such days up~~Leave without cause shall be cumulative~~ to a maximum of five days. Leave without cause not used or accumulated will be automatically transferred to sick leave at the end of the fiscal year. Notice of such leave day shall be given to the employee's principal or immediate supervisor, as the case may be, at least twenty-four hours in advance, except that in the case of sudden and unexpected circumstances, such notice shall be given as soon as reasonably practicable; however, the use of such day may be denied if, at the time notice is given, either fifteen percent of the employees or three employees, whichever is greater, under the supervision of the principal or immediate supervisor, as the case may be, have previously notified the principal or immediate supervisor of their intention to use that day for such leave: Provided further, that such leave shall not be used in connection with a concerted work stoppage or strike.

**Note: All personal leave days will be deducted from accumulated personal leave.**

6. Whenever any employee claims personal leave benefits for ~~more than~~ five or more consecutive working days on account of personal illness, injury or temporary disability for any reason, including pregnancy, the employee shall submit a certificate from his or her attending physician on the prescribed form setting forth the nature of the illness, injury or disability, the date of commencement of disability to work and the date the employee was considered to be fit to return to work.
7. Family and Medical Leave – The Family and Medical Leave Act of 1993 requires that the Jefferson County Board of Education allow at least up to twelve weeks of unpaid leave in any twelve month period for eligible employees who must miss work because of one of the following circumstances:
  - a. Because of the birth of a son or daughter of the eligible employee and in order to care for such son or daughter
  - b. Because of the placement of a son or daughter with the eligible employee for adoption or foster care
  - c. In order to care for the spouse, son, daughter or parent of the eligible employee, if such relative has a serious health condition
  - d. Because of a “serious health condition” that makes the eligible employee unable to perform the functions of the position assigned

The Jefferson County Board of Education currently provides paid and unpaid leave of varying lengths to eligible employees, depending on the nature of the absence and individual circumstances. Because benefits under these policies are more generous than those afforded by the Family and Medical Leave Act of 1993, the policies of the Jefferson County Board of Education and West Virginia Code will remain in effect. The employee shall submit a certificate from his/her (or relative's) attending physician on the prescribed form. Credit will be given to all full-time employees for one and one-half days personal leave for each employment month or major fraction thereof. Unused sick leave will be accumulative without limitation and shall be transferable within the state. Unused emergency leave and leave without cause is not accumulative and reverts to sick leave as unused and is accumulative as sick leave. Employees will receive their full monthly salary for absence covered by personal leave as long as they have days to their credit to cover the absences. Employees on official leave will retain days accumulated at the beginning of the leave but will receive no credit during such leave. No personal leave benefits are payable during any leave period. These regulations shall apply to all full-time employees of the Jefferson County Board of Education. Failure on the part of an employee to comply with these regulations shall be considered sufficient cause for voiding the claim of that employee for personal leave payment. An employee who provides false information in an effort to collect personal leave payment shall be subject to disciplinary action. All employees are to comply fully with the reporting procedures prescribed by the Finance Office of the Jefferson County Board of Education. See the Standard Operating Manual, Chapter 6, Personal Leave Forms.

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