

SUMMERS COUNTY BOARD OF EDUCATION

ADOPTED: 05/11/11

CODE: IV-J-13

Replaces IV-J-11 Employee Personal Leave Bank : adopted 9-10-87, Rev.12-12-91, 11-14-96, 11-14-07,01-23-08, 11/4/09 and

Replaces IV-J-10 Sick Leave Donation Policy: adopted 11/14/07

Reference: WV Code 18A-4-10, 18A-4-10f, Minute Book

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EMPLOYEE PERSONAL LEAVE BANK AND SICK LEAVE DONATION POLICY

According to West Virginia Code 18A-4-10 and 18A-4-10f county boards of education shall establish a personal leave bank and a personal leave donation program. The following definitions apply to both sections of the code:

- 1) Catastrophic medical emergency means a medical or physical condition that:
 - a. Incapacitates an employee or an immediate family member for whom the employee will provide care
 - b. Is likely to require the prolonged absence of the employee from duty; and
 - c. Will result in a substantial loss of income to the employee because the employee:
 - i. Has exhausted all accrued personal leave; **and**
 - ii. Is not eligible to receive personal leave or has exhausted personal leave available from a leave bank established

The Summers County Board of Education defines a prolonged absence as 5 or more days, consistent with policy IV-J-O requiring a doctor's excuse.

The Summers County Board of Education does not consider child birth and recovery as a medical or physical condition eligible for the personal leave bank or donation program.

Based on the above definitions an employee must first use any available leave from the leave bank if the employee is a member and is eligible to do so. The following terms and conditions apply to the Personal Leave Bank.

1. The county board has a joint bank for both professional and service employees. Each participating employee shall contribute up to two days of personal leave per school year. An employee may not be coerced or compelled to contribute to a personal leave bank. Each new hire may enroll within the first 30 days of employment as a regular employee of the Summers County Board of Education. An annual open enrollment period shall begin on September 1st and conclude on September 30th of each year. Employees who enroll in the personal leave bank shall contribute two (2) days of their personal leave to the bank. In subsequent years, as needed, an assessment of two (2) days per year will be made of each member only when the number of days in the personal leave bank drops to one hundred (100) days prior to September 1.

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2. An employee will be able to draw one (1) day for each two (2) days the employee has in his/her personal leave account at the onset of the illness or injury, up to a maximum of one hundred (100) days. Additionally, before drawing from the sick leave bank, the employee must deplete all of his/her personal leave days. (Example: A member of the sick leave bank has ninety (90) days in his/her personal leave account at the beginning of a serious illness. He/She depleted his/her 90 days of personal leave. The employee could be awarded a maximum of 45 days from the sick leave bank. However, if the employee returned to work prior to needing the entire 45 days, he/she will be awarded only the number of days he/she needed up to the time he/she returned to work.)
3. The use of days from the personal leave bank is limited to active employees who have depleted all accumulated personal leave who are absent from work due to accident or illness of the employee or an immediate family member for whom the employee will provide care and is a member of the leave bank.
4. The administration, subject to county board approval, will use its discretion as to the need for a substitute where limited absence may prevail. The allowable absence must not directly affect the instruction of the students, and/or the nature of the work and the duration of the cause for the absence must not require the use of a substitute.
5. If funds in any fiscal year, including transfers, are insufficient to pay the full cost of substitutes for meeting the provisions of this policy, the remainder shall be paid on or before the thirty-first day of August from the budget of the next fiscal year.

If an employee is not eligible to receive days (or any more days) from the sick leave bank, the employee may use the leave donation program. The following terms and conditions apply to Personal Leave Donation:

1. The Summers County Board of Education will allow its employees who have accrued personal leave to donate days from their leave balance, without limitation, to another employee who meets the requirements of the Code. An employee may not be coerced or compelled to contribute to a leave donation program.

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2. The donor employee must voluntarily agree to the leave transfer and select the employee designated to receive the personal leave transferred.

The receiving employee must require additional personal leave because of a catastrophic medical emergency. The emergency may apply to an employee or an immediate family member for whom the employee will provide care

The following applies to both the Personal Leave Bank and Personal Leave Donation Program:

1. Days may not be used to qualify for or add to service for any retirement system administered by the State; or extend insurance coverage pursuant to West Virginia Code 5-16-13.
2. Each personal leave day contributed will be deducted from the number of personal leave days to which the donor employee is entitled and will not be deducted from the personal leave days without cause to which the donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee.
3. Each personal leave day will be credited to the receiving employee as one full personal leave day and may not be credited for more or less than a full day by calculating the value of the leave according to the hourly way of each employee; and may be used only for an absence due to the purpose for which the leave was transferred. Any transferred days remaining when the catastrophic medical emergency ends revert back to the leave bank or the donating employee.
4. Transferred days remaining will revert back to the donating employee(s) on a pro-rata basis should a receiving employee return prior to the use of all donated leave.

Eligibility to acquire days from the Personal Leave Bank and through the Personal Leave Donation program will be determined by the Business Office and/or the Superintendent. The employee, or designee if unable, must notify the business office of the need for days from the Personal Leave Bank. When the Personal Leave Donation Program is used the employee donating personal leave days must complete the Sick Leave Donation form to donate days to another employee and have the form approved by the Business Manager. Once these days are donated, the employee relinquishes all claims to said days.