



## Personnel Leaves and Absences

### Sick Leave

Full time and permanent part-time classified staff will leave at the rate of one prorated day per month worked cur to 480 hours based on prorated scheduled hours for persons in the immediate family. Example: 40 scheduled hours/week = maximum accumulated leave; 36 scheduled hours/week = 432 hours accumulated leave.

Sick leave is defined to include illness of an employee or a serious illness requiring bedside or household attention of an employee, for spouse, child, son-in-law, daughter-in-law, grandchild, foster parents), mother-in-law, father-in-law, grandchild, or grandchildren, or siblings. Guidelines for the use of sick leave are as follows:

- a. For full time and permanent part-time employees, sick leave entitlement shall be directly proportionate to the number of workdays of the workday and year.
- b. An employee may be required by the Board to provide satisfactory medical proof of illness or disability. In the event of hospitalization, or personal sick leave extending three (3) consecutive days, a written release from the attending physician may be required before the employee may return to his/her workstation. The written release must state that the employee is physically capable of assuming his/her regular duties with no physical restrictions to ensure the safety of the employee, other employees, and students.

If an employee receives an injury on the job or an illness that affects job performance and necessitates the employee be absent from work, a written release from the attending physician will be required before the employee may return to work. The release must state that the employee is physically capable of assuming the duties of his/her position with no physical restrictions to ensure the safety of the employee, other employees, and students.

In the event the employee's absence is due to work-related illness or injury for which the employee is receiving workers' Compensation benefits, the employee will be entitled to

accumulated sick leave only in the amount equivalent to the difference between the Workers Compensation benefit and the regular salary the employee would have received had the employee elected to take sick leave. For purposes of calculating the amount of sick leave used, any payment used to supplement the Workers Compensation benefit which is less than one-half salary shall count as one-half day's sick leave, and any leave paid in excess of one-half day's shall count as one day's sick leave for each day the benefit is received. In the event of payment of sick leave prior to a determination of Workers Compensation that an individual is entitled to Workers Compensation to the employee for which a determination is made retroactive, the employee will be given the option of repaying, to the NWBOCES any overpayment made to the employee for sick leave or, alternatively, having the NWBOCES withhold future sick leave payments until the overpayment is made up.

c. A written notice of accumulated sick leave shall be provided to each employee at the beginning of the school year.

d. NWBOCES will buy back unused sick leave based on the following conditions:

- Buy back upon termination of full-time/part-time employment.
- Mandatory buy back of any accumulated hours beyond the maximum hours per Policy 6008a-R.
- Rate of buy back shall be set at 1/2 of hourly pay.
- Buy back a maximum of 1/2 of accumulated sick leave.
- Must have 3 years or more of unbroken service with NWBOCES to be eligible to participate in the buy back plan.
- Accumulation of sick days will be in accordance with Board policy on Sick Leave.

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## Military Leave

Military leave entitlement shall be as follows:

1. Any member of the Wyoming National Guard or United States military forces reserve who is an officer or employee of the NWBOCES shall be given a military leave of absence at the regular salary or wage which the employee is entitled to for not to exceed fifteen (15) calendar days in any calendar year to perform services in the uniformed services of the United States in addition to any other leave or vacation time to which the person is otherwise entitled. In the event a person requests military leave, the Administrative Director shall require a letter from the commanding officer stating that this special training is necessary and required by the applicant and that such training cannot be obtained at any other time.
2. Subject to subparagraph (a) below, any employee who has been employed for one (1) year and who is a member of the National Guard or any other component of the armed forces of the State, a member of the reserve forces of the United States, or who is inducted into military service of the United States is entitled to leave of absence from employment, without pay, but without loss of status, efficiency rating, vacation, sick leave benefits, while he/she is engaged in military service ordered or authorized by proper authority by law exceeding fifteen (15) days in any calendar year. This leave is in addition to any other military leave to which the officer or employee may be entitled if the required military service is satisfactorily completed which is presumed unless the contrary is established.

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a. Upon completion of the service described in this section, the employee shall be reinstated to the employment held at the time of entry into service or a position of equivalent status and pay if available, subject to the conditions.

(i) The position has not been abolished or the term of the leave has expired;

(ii) He/she is not physically or mentally disabled from performing the duties of the position;

(iii) He/she makes written application of reinstatement to the appointing authority within thirty (30) days following the military services or within ninety (90) days after discharge from hospitalization or medical treatment which immediately preceded the termination and results from, the service, but not to exceed one (1) year and ninety (90) days after termination of military service notwithstanding hospitalization or medical treatment;

(iv) He/she submits an honorable discharge or other discharge from proper authority indicating his/her military service was satisfactory; and

(v) Military service does not exceed five (5) years plus any period of additional service imposed by law.

1. Upon reinstatement, the employee shall have the same seniority with respect to accrued and future seniority, status, vacation, sick leave and other benefits, as if he/she had been employed during the time of the leave. During the absence NWBOCES may deduct its share of payments for Social Security, insurance of annuity under the Wyoming State retirement, unless the employee or the State Retirement System, pursuant to rules established by the State Retirement System, elects to contribute to the State retirement system during his/her absence, in which case NWBOCES will contribute its employer share.

2. Any employee shall have the right to maintain any health or accident insurance which other employees are provided by NWBOCES in by furnishing to NWBOCES such sum as would equal that which would have been deducted from his/her compensation for such insurance if he/she not been placed on military leave. The employee may elect NWBOCES of his/her election to continue insurance or payments during the absence at the time he/she enters service in the uniformed services.

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3. The above-described military leave shall be requested by the employee and approved by the immediate supervisor and shall be granted by the Administrative Director or his/her designee. The request shall be accompanied by a copy of the official orders to activate the leave. The vacancy created by this leave may be filled by a permanent employee as provided by NWBOCES.

#### Family and Medical Leave

Pursuant to the provisions of the Family and Medical Leave Act (FMLA, 29 U.S.C. 2611-2612 and 29 CFR 825.103-3), NWBOCES hereby adopts the following policy relating to family and medical leave for eligible employees.

#### Benefits

Eligible employees are entitled to a total of twelve (12) days of unpaid leave per year (beginning July 1 of each year) for the following four leave situations:

1. the birth and first-year care of a child;
2. the adoption or foster placement of a child;
3. the "serious health condition" of an employee, the employee's parent or child; and
4. the employee's own "serious health condition"

For purposes of the benefits referred to above, a "serious health condition" means "an illness, injury, impairment, or physical condition that involves:

1. in-patient care in a hospital, hospice, or skilled nursing facility; or
2. continuing treatment by a health care provider that results in a period of incapacity of more than three consecutive calendar days and involves either one or more treatments by a health care provider, or one or more visits by a health care provider on at least one occasion, followed by a regimen of continuing treatment under the supervision of the health care provider. Such treatment may include, but is not limited to, prescription medications, bed rest, taking of prescribed exercise, and other activities that can be performed without a visit to a health care provider. Such conditions constitute continuing treatment. A "serious health condition" does not cover conditions such as diabetes even if the episode of incapacity lasts for more than three (3) days."

For purposes of the benefits referred to above which pertain for the care of a child, the term "child" shall mean a son or daughter which is either a biological, adopted, or foster child, a stepchild, a legal ward, or a child or a person standing in loco parentis.

1. under eighteen (18) years of age; or
2. eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

Eligible Employee

To be eligible for leave under this policy and to be considered an eligible employee, an employee must have been employed:

1. for at least twelve (12) consecutive months; and
2. for at least 1,250 hours of service within the twelve (12) month period. Time paid (i.e., vacation leave, etc.) will not be counted in hours of service.

Any eligible employee who is entitled to the leave referred to above shall be entitled to continuation of health benefits and insurance benefits, as well as accrual of sick leave and vacation leave benefits during the period of leave, under the same conditions as are provided to the employee prior to taking leave. Any increase in premiums or deductibles that apply to active employees shall also apply to employees on FMLA leave. Any employee who fails to pay his required share of premium may be dropped from coverage under the group health plan. NNWBOCES shall provide the employee with notice that coverage will be dropped at least fifteen (15) days before coverage will cease.

Any employee who is eligible for this leave and takes the leave shall be entitled to an equivalent position with equivalent pay, benefits, and conditions of employment upon return to employment so long as the employee can continue to perform all the essential functions of the position. This leave is not to be considered as leave in addition to other leave granted to the employee by the NNWBOCES policy for which the employee is otherwise eligible, but is intended only to supplement that leave to the extent it does not otherwise provide for twelve (12) weeks of leave. In other words, to the extent that any eligible employee would be entitled to receive sick leave, vacation, or personal leave pursuant to other

NWBOCES policies, then the eligible employee must sick/vacation/personal leave benefits granted under other NWBOCES policies and only in the event that it does not, an eligible employee with twelve (12) weeks of leave would then be able to use the leave granted under this policy. The amount of leave which the eligible employee may qualify under the provisions of this policy will not exceed twelve (12) weeks inclusive of leave already utilized under other NWBOCES policies for any of the above leave situations. (For example, if due to the illness of a family member an employee desires to take leave for a period up to twelve (12) weeks and the employee has available six (6) weeks of sick/vacation/personal leave which could be utilized for this leave, then the employee would be required to use the six (6) weeks of sick/vacation/personal leave and thereafter would qualify for six (6) weeks of unpaid leave pursuant to this policy. If the employee has available up to twelve (12) weeks of sick/vacation/personal leave which could be utilized, then this policy would not apply.)

#### LIMIT ON CHILD CARE BENEFIT

The family leave benefit applicable to the birth, adoption, placement for child care ends after (1) the child reaches age twelve months after adoption or placement. When both spouses are NWBOCES, the combined amount of leave for birth, adoption, and placement for child care may be limited to a total of twelve (12) weeks. This limit is not applicable to leave for personal illness and illness of a family member or child.

#### PLANNED MEDICAL LEAVE

In the event an eligible employee requests leave due to a health condition or to care for someone with a serious health condition, and the employee would be on leave for greater than twenty percent (20%) of the total number of working days in the period in which the leave would extend, NWBOCES may require that such employee select either:

1. to take leave for periods of a particular duration that do not exceed the duration of the planned medical leave, or

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2. to transfer temporarily to an available position offered by NWBOCES for which the employee is qualified and that (1) has equivalent benefits; and (2) better accommodates periods of leave than the regular employment of the employee.

#### DUTIES OF EMPLOYEE

In any case in which the reason for leave is due to the need for the employee to care for the spouse, son, daughter, or parent of the employee or because of the serious health condition that renders the employee unable to perform the functions of his/her position as an employee

1. shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the organization, subject to the approval of the health care provider;
2. shall provide NWBOCES with timely notice, such as not less than thirty (30) days before the leave is to begin, of the employee's intention to take leave under such provision, except that, if the treatment requires the leave to begin in less than thirty (30) days, the employee shall provide notice as is practicable.

#### CERTIFICATION

NWBOCES may require that a request for leave to care for a spouse, son, daughter, or parent of the employee with a serious health condition or because of the employee's serious health condition be supported by a certification in writing from a health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the Administrative Director. Certification provided under this section shall be sufficient if it states:

1. the date on which the serious health condition commenced; and
2. the probable duration of the condition; and
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition.

4. if applicable, a statement that the eligible needed to care for the son, daughter, spouse, and an estimate of the amount of time that su is needed to care for the son, daughter, parent; and
5. in the case of the employee's own seri condition, a statement that the employee is perform the functions of the position of th and
6. in the case of certification for intermitter leave on a reduced leave schedule for planr treatment, the dates on which such treatment to be given and the duration of such treatrn statement of the medical necessity for the i leave or leave on a reduced leave schedule.

Second Opinion: In any case in which NWBOCES has reason to validity of the certification provided by the employee for medical care or for medical reasons, NWBOCES may requir expense of the NWBOCES, that the eligible employee obtain of a second health care provider designated or approved concerning any information certified under this section medical leave.

In any case in which the second opinion described above d: the opinion in the original certification provided under th NWBOCES may require, at the expense of NWBOCES, that th obtain the opinion of a third health care provider des approved jointly by NWBOCES and the employee. The opin third health care provider shall be considered to be final be binding of NWBOCES and the employee.

NWBOCES may require that the eligible employee obtain recertification on a reasonable basis.

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DESIGNATION OF LEAVE AS FAMILY MEDICAL LEAVE

Once NWBOCES learns that the employee is taking leave medical leave with a qualifying reason, the employer notification to the employee that the leave is designated Medical Leave within two (2) business days after the determination is made. The notice should be in writing, however, it may be given orally if confirmed in writing no later than the next regular pay day (unless less than a week remains until the next pay day). If an employee is out for a FMLA qualifying reason and NWBOCES does not learn of the reason until the employee returns, the employer must give notice within two (2) days of his return and NWBOCES will not be liable for any FMLA designation within two (2) days thereafter. NWBOCES may also provisionally designate leave as FMLA qualifying leave pending awaiting receipt of medical certification or a second or third medical opinion. Failure of NWBOCES to designate leave as family medical leave shall not prevent NWBOCES from making such a designation and implementing it retroactive to the first date of leave should the employee subsequently discover the leave qualified or discovered after the notice referred to herein had not been sent to the employee.

PENALTY FOR FAILURE TO RETURN

NWBOCES may recover the premium that NWBOCES paid maintaining health insurance for the employee under NWBOCES's group health insurance policy for any period of leave under this policy if:

1. the employee fails to return from leave after the end of the period of leave to which the employee is entitled to return to work and
2. the employee fails to return to work for a period of more than (1) the continuation, recurrence, or aggravation of a serious health condition that entitles the employee to take leave either to care for an individual or on the employee's own serious health condition or other circumstances beyond the control of the employee.

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Procedure for Implementation of Policy on Staff Leaves of  
Routine Sick Leave

When an employee is going to be absent from his/her duties, responsible for making the appropriate contacts in a time School staff will contact the Administrative Director or d morning Houseparent if relevant, and Residential staff wi the Residential Supervisor or designee. When possible a should be completed prior to the absence.

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