

## Personnel Leaves and Absences

### Sick Leave

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

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

a. For full time and permanent part-time employees, the entitlement shall be directly proportionate to the length of the workday and year.

b. An employee may be required by the Board to furnish medical proof of illness or disability. In the event of hospitalization, or personal sick leave extending beyond five consecutive days, a written release from the employee's physician may be required before the employee may return to work. The written release must state that the employee is physically capable of assuming his/her duties without the probability of recurring harm to the employee, other employees or students.

If an employee receives an injury on the job or has an illness that affects job performance and necessitates that the employee be absent from work, a written release from the employee's physician will be required before the employee may return to work. The release must state that the employee is physically capable of performing the duties without the probability of recurring harm to the employee or other employees or students.

In the event the employee's absence is due to illness or injury for which the employee is receiving Workers Compensation benefits, the employee will be entitled to use accumulated sick leave only in the amount equivalent to the difference between the Workers Compensation benefit received and salary the employee would have received had he/she elected to use sick leave. For purposes of calculating the amount of sick leave payment used to supplement the Workers Compensation benefit, any amount less than one-half day's salary shall

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count as one half day's sick leave, and any sick leave in excess of one-half day's shall count as a full day's for each day the benefit is received. In the event of sick leave prior to a determination by Workers Compensation an individual is entitled to an award of Workers Compensation for wages, which determination is made by the employee will be given the option of repaying to NWBOCES the overpayment received by the employee for sick leave. NWBOCES will withhold future sick leave payments until the account 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 employment.
- Mandatory buy back of any accumulated hours in excess of the maximum hours per Policy 5007a-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.
- Accumulation of sick days will be in accordance with Board policy on Sick Leave.

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Revised 12-12-12  
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### Unpaid Leave

In the case of absence from work of any professional employee for any reason except approved paid leave as provided for in these policies, the amount shall be deducted from the next installment of the employee's salary in direct proportion to the number of days absent to the total number of days in the contract; i.e., school year of 185 days the deduction shall be 1/185 of the contract salary for each day of unapproved absence. The cost of health insurance/TSA benefit paid by NWBOCES on behalf of the employee (employee share) will be deducted from the appropriate paycheck based on the number of days for the days the employee is absent in excess of accumulated leave.

### Military Leave

Military leave entitlement shall be as follows:

1. Any member of the Wyoming National Guard or United States National Guard reserve who is an employee of NWBOCES shall be given military leave of absence with pay, at the regular salary or wage rate the employee receives, not to exceed fifteen (15) calendar days per calendar year to attend duly authorized encampment, training cruises and similar training programs, in addition to any other leave or vacation time to which the person is otherwise entitled. In the event an employee requests military leave, the Administrator may request a letter from the commanding officer stating that such special training is necessary and required for the application of such training cannot be obtained at any other time.
2. Subject to subparagraph (a) below, any employee of NWBOCES who has been employed for one (1) year and who is a member of the National Guard, any other component of the military forces of the State, the National Guard reserve forces of the United States, or who is in active military service of the United States is entitled to leave from his employment, without pay, but without loss of status, efficiency rating, vacation, sick leave or other benefits while he/she is engaged in military training or service authorized by proper authority pursuant to law exceeding 180 days in any calendar year. Such leave is in addition to any other military leave or vacation time to which the officer or employee is otherwise entitled by law if the required military service is satisfactorily performed, which is presumed unless the contrary is established.
  - a. Upon completion of the service described in this paragraph, the employee shall be reinstated to the employment position held at the time of entry into service or a position of like status and pay available, subject to the following conditions:

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- (i) The position has not been abolished or the term thereof has
- (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 appropriate authority within thirty (30) days following release from military services or within ninety (90) days after discharge from hospitalization or medical treatment which immediately follows the termination and the service but not to exceed one (1) year and ninety (90) days after termination of service notwithstanding hospitalization or medical treatment;
- (iv) He/she submits an honorable discharge or other release from military authority indicating his/her military service was satisfactory;
- (v) Military service does not exceed four (4) years plus any additional service imposed by law.

1. Upon reinstatement, the employee shall have the same rights and benefits accrued and future seniority, status, vacation, sick leave, and other benefits, as if he/she had been employed during the time of absence. During the absence the NWBOCES may discontinue its shares of Social Security, insurance of any type, and Wyoming State retirement system unless the employee or the Wyoming Retirement System, pursuant to the plan established by the Wyoming Retirement System, elects to continue in the State retirement plan during his/her absence, in which case the employee will contribute its employer share.
2. Any employee shall have the right to maintain any group life, health, dental, or accident insurance which other employees are participating in while on leave to the NWBOCES such sum as would equal that which would have been contributed from his/her compensation for such coverage had he/she not been on military leave. The employee must notify NWBOCES of his/her intent to continue insurance or plan coverage at the time he/she enters the uniformed services.
3. The above-described military leave shall be requested through the employee's supervisor and shall be granted by the Administrative Director or designee. The request shall be accompanied by a copy of military orders to active duty. The vacancy created by this leave may be filled by a substitute provided by NWBOCES.

Family and Medical Leave

Pursuant to the provisions of the Family and Medical Leave Act (P.L. 103-183), NWBOCES hereby adopts the following policy relating to family and medical leave for eligible employees.

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### Benefits

Eligible employees are entitled to a total of twelve (12) week leave per year (beginning July 1 of each year) for the following 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's spouse, 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 or mental condition that involves:

1. in-patient care in a hospital, hospice, or residential nursing facility; or
2. continuing treatment by a health care provider that results in incapacity of more than three (3) consecutive calendar days or either two (2) or more treatments by a health care provider, by health care provider on at least one occasion followed by continuing treatment under the supervision of the health care provider. Over-the-counter medications, bed rest, taking of fluids, and other activities that can be initiated without a visit to a health care provider do not constitute continuing treatment. Serious health condition does cover conditions such as asthma and diabetes even if the incapacity does not last more than three (3) days."

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

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 or
2. for at least 1,250 hours of service within the previous 12-month period. Time paid (i.e., sick leave, vacation leave) will not be counted in calculating hours of service.

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In the case of employees only employed for nine (9) months or eighty (80) working days out of each twelve (12) month period require that they be employed for at least 1,250 hours of service during those one hundred eighty (180) working days, or whatever number of days are actually worked during the twelve (12) month period.

Any eligible employee who is entitled to the leave referred to above is also entitled to continuation of health benefits and all other insurance as well as accrual of sick leave and/or other leave benefits during the period of leave, under the same terms and conditions as are provided to the employee prior to taking the leave. Any increase in premiums or charges that apply to active employees shall also apply to employees on leave. Any employee who fails to pay his required share of premium may be dropped from coverage under the group health plan. NWBOCES shall provide an eligible employee a 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 perform all the essential functions of the position.

This leave is not to be considered as leave in addition to that which is granted to the employee by NWBOCES policy for which the employee is eligible, but is intended only to supplement that leave to the extent not otherwise provided for twelve (12) weeks of leave. In other words, to the extent that any eligible employee would be entitled to receive sick or personal leave pursuant to other applicable NWBOCES policies, the eligible employee must use the sick/personal leave benefits granted under other applicable NWBOCES policies and only in the event that such policies do not provide the eligible employee with twelve (12) weeks of leave shall the employee be able to use the leave granted under this policy. The total amount of leave which the eligible employee may qualify under the provisions of this policy will not exceed twelve (12) weeks inclusive of the leave utilized under other NWBOCES policies for any of the above described leave situations. For example, if due to the illness of an employee, an employee desires to take leave for a period up to twelve (12) weeks and the employee has a total of six (6) weeks of sick leave which could be utilized for this leave, the employee would be required to use the six (6) weeks of available sick leave and thereafter would qualify for six (6) weeks of unpaid leave under this policy.

If the employee had available up to twelve (12) weeks of 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 may be limited to a total of twelve (12) weeks. This limit is not applicable to leave for personal illness and illness of child.

PLANNED MEDICAL LEAVE

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

1. to take leave for periods of a particular duration, not exceeding the duration of the planned medical treatment, or
2. to transfer temporarily to an available alternative position by NWBOCES for which the employee is qualified and to receive equivalent pay and benefits; and (2) better accommodation of periods of leave than the regular employment position of the employee.

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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, the employee

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

CERTIFICATION

NWBOCES may require that a request for leave to care for an 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 spouse, son, daughter, 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:

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1. the date on which the serious health condition commenced
2. the probable duration of the condition; and
3. the appropriate medical facts within the knowledge of the care provider regarding the condition; and
4. if applicable, a statement that the eligible employee : care for the son, daughter, spouse, or parent and an estimate of time that such employee is needed to care for daughter, spouse, or parent; and
5. in the case of the employee's own serious health condition, a statement that the employee is unable to perform the : the position of the employee; and
6. in the case of certification for intermittent leave or reduced leave schedule for planned medical treatment, the date which such treatment is expected to be given and the date of such treatment, and a statement of the medical necessity for intermittent leave or leave on a reduced leave schedule.

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

In any case in which the second opinion described above differs from the opinion in the original certification provided under this section, NWBOCES may require, at the expense of NWBOCES, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employee. The opinion of the third health care provider shall be considered to be final and shall be binding on NWBOCES and the employee.

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

#### DESIGNATION OF LEAVE AS FAMILY MEDICAL LEAVE

Once NWBOCES learns that the employee is taking leave for a family medical leave qualifying reason, the employer will give notification to the employee that the leave is designated as family medical leave within two business days after the determination is made. The notice should be in

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writing, however, it may be given orally if confirmed in writing within the next regular pay day (unless less than a week remains until the next pay day). If the employee is out for a FMLA qualifying reason and does not learn of the reason until the employee returns, the employee must give notice within two (2) days of his return and NWBOCES will give any FMLA designation within two (2) days thereafter. NWBOCES will provisionally designate leave as FMLA qualifying leave while awaiting medical certification or a second or third medical opinion. NWBOCES to designate leave as family medical leave shall not prevent the employee from making such a designation and implementing it retroactive to the date of leave should NWBOCES subsequently discover the leave was not discovered that the notice referred to herein had not been given by the employee.

PENALTY FOR FAILURE TO RETURN

NWBOCES may recover the premium that NWBOCES paid maintaining the employee under NWBOCES's group health insurance plan during a leave under this policy if:

1. the employee fails to return from leave after the period which the employee is entitled has expired; and
2. the employee fails to return to work for a reason other than continuation, recurrence, or onset of a serious health condition that entitles the employee to leave either to care for a family member or on account of the employee's own serious health condition or other circumstances beyond the control of the employee.

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