

CHAPTER 3

3.1.28 Leave Donation Program (Adopted July 24th, 2007)

3.1.28.1 Purpose

House Bill 2189 requires each county board of education to establish a leave donation program (leave donation program) that is available to all school employees. Therefore, the board adopts the following regulations to implement a leave donation program for employees who seek to transfer personal leave to another individual due to a catastrophic medical illness or injury.

3.1.28.2 Definitions

Catastrophic illness or injury – a medical or physical condition that:

- a. incapacitates an employee or an immediate family member as defined in Family Medical Leave Act 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 has exhausted all accrued personal leave and is not eligible to receive personal leave or has exhausted personal leave available from the Sick Leave Bank.

Employee – a professional educator or school service person who is employed by a county board and entitled to accrue personal leave as a benefit of employment

Donor Employee – a professional educator or school service person employed by a county board who voluntarily contributes personal leave to another designated employee.

Receiving Employee – a professional educator or school service person employed by a county board who receives donated personal leave from another employee.

3.1.28.3 Regulations

1. A donor employee may transfer an unlimited number of personal leave days to an employee who is his or her spouse.

2. A donor employee may donate a maximum of 5 days per year to an employee(s) who is not his or her spouse.

3.1.28.4 Procedures

1. Requests must be made in writing on a Marshall County Leave Donation Program form by the individual employee to the Marshall County Schools Personnel Director.
2. A Bank contribution shall reduce, to the extent of that contribution, the number of personal leave days to which an employee is entitled with cause by West Virginia Code 18A-4-10. Provided, that the employee's contribution may not reduce the number of entitled personal leave days without cause.

3.1.28.5 Limitations

1. A recipient to the Leave Donation Program may be required to submit certification of the medical condition for which the Leave is needed.
2. The use of Leave Donation Program days by the employee for the extension of insurance coverage pursuant to West Virginia Code 5-13(16) is prohibited.
3. Leave Donation Program days may not be used to qualify for or add to service for any retirement system administered by the state of West Virginia.
4. Days will be credited to the receiving employee as one full personal leave day.
5. Days will not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee.
6. Days 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 donor employee.
7. No employee may be coerced or compelled to contribute to the Leave Donation Program.