

SUBJECT: LEAVES OF ABSENCE

In the Port Jervis City School District, leaves of absence shall be administered by the Superintendent of Schools. The Board of Education reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in this Policy. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used. Except by written permission of the Superintendent, the purpose or conditions of a leave of absence may not be altered.

Conditions governing the granting of leaves of absence to various employee groups

a) For employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of any contracts in effect between the District and appropriate bargaining unit.

b) For employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

c) For employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in relevant contract.

Criteria governing the actual unpaid leaves of absence

For approved graduate study, unpaid leaves may be granted for a period not to exceed one (1) school year. Such leave is to include any required internship experience.

At the expiration of a paid sick leave of absence, an unpaid leave may be granted to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves for such purposes.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured. Additionally, except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

Paid Leaves of Absence

An **Emergency Service Volunteer Leave** may be granted to employees certified by the American Red Cross as disaster volunteers. Said leave will require the presentation of a written request from the American Red Cross and the approval of the Superintendent. Said leave shall be granted with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

Paid Leaves of Shorter Duration

Screening for Breast or Prostate Cancer

Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for breast cancer and/or prostate cancer. Male employees would therefore be entitled to a total of eight (8) hours for both screenings. This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

Blood Donation

Employees shall be allowed, without use of accumulated leave time, to donate blood during work hours at least two (2) times per year at a convenient time and place set by the Superintendent or his/her designee. This would include allowing an employee to participate in a blood drive at the District and would be paid leave.

Unpaid Leaves of Shorter Duration

Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so. The combined length of the leaves are to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the Superintendent or his/her designee. The District shall require verification for the purpose and length of each leave requested by the employee for this purpose.

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

Nursing Mothers

The District shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three (3) years following childbirth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. The District shall not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than twenty (20) minutes and no more than thirty (30) minutes dependent upon the proximity of the designated location for expressing breast milk. In most situations, the district is required to provide unpaid break time at least once every (3) hours if requested by the employee. At the employee's option, the District shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within the District's normal work hours.

The District shall provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.

Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the District Attorney, or exercise the employee's statutory rights as the victim of, or witness to a crime of domestic violence. In addition, a victim of domestic violence may need one or more of these types of leaves.

To use this leave, the employee shall provide notice of the need for leave at any time prior to the actual day of the leave. Employers are permitted to ask the individual who sought the attendance or testimony of the employee to provide verification of the employee's service. Penalizing or discharging an employee for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the District Attorney, or exercising his/her rights as provided under the law constitutes a Class B misdemeanor by the employer.

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Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

Military Leave

The District will comply with state and federal laws regarding military leave and reemployment. Leaves of absence for military spouses are granted in accordance with law and are unpaid.

The District shall not retaliate against an employee for requesting or obtaining a leave of absence under any section of this policy.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code (USC) Sections 4301-4333
Civil Service Law Sections 71-73, 159-b and 159-c
Education Law Sections 1709(16), 3005, 3005-a and 3005-b
General Municipal Law Section 92-c
Labor Law Sections 202-a, 202-c, 202-i and 202-j
Military Law Sections 242 and 243

Adopted: 04/22/10