

DIVISION OF ADMINISTRATIVE SERVICES

Sick
Leave

LEAVE OF ABSENCE TRAINING

AGENDA

- **What is a Leave of Absence?**
- **Types of Leaves**
- **What are Your Responsibilities?**
- **Takeaways**
- **Questions**

Out Of Office

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WHAT IS A LEAVE OF ABSENCE?

- **A Leave of Absence occurs when an employee goes off payroll by either exhausting their available sick and annual leave, or they have not accrued enough leave to cover their absence.**
- **Employees do not accrue tenure while off payroll, with the only exception being Worker's Compensation or Military Leave.**
- **Unpaid leave of absences affect an employee's tenure, increment and reallocations.**

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LEAVE OF ABSENCE TYPES

Family
Medical Leave
Act (FMLA)

Medical Leave
of Absence

Personal
Leave of
Absence

Military Leave
of Absence

Parental Leave
of Absence

Worker's
Compensation

FMLA

Must have worked for the employer for a total of 12 months, including time worked as a temporary employee; have worked at least 1,250 hours during the 12-month period immediately preceding the leave. Eligible employees may take up to 12 workweeks of paid or unpaid leave in a 12-month period.

When an employee requests FMLA or the employer acquires knowledge that the leave may be for a FMLA-qualifying reason, provide the employee their rights and responsibilities under FMLA. If an employee is not eligible, you must provide the reason for their ineligibility.

Available paid sick and annual leave shall be utilized to cover leave taken for FMLA-qualifying events. Paid and unpaid leave will run concurrently with the employee's FMLA entitlement.


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MEDICAL LEAVE

A permanent classified employee may take up to six months of unpaid medical leave in a 12-month period. Employee must have completed their probationary period, to be eligible. Medical leave is always unpaid.



Requires 1,040 hours worked during 12-month period immediately preceding the beginning of the leave and employee has exhausted all available sick and annual leave.



Can only be used for employee's own personal illness. Can not be used for a family member.

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PERSONAL LEAVE



An appointing authority at their discretion based on the agency's personnel needs, may grant a permanent, or probationary employee a leave of absence without pay for a specific period of time that should not exceed one year.



The employee shall apply for the leave of absence in writing to the appointing authority.



Time spent by a probationary employee on unpaid personal leave of absence extends their probationary period correspondingly.



Written approval from the appointing authority is required in all cases.

MILITARY LEAVE



Members of the National Guard or any of the Federal armed services are permitted up to 30 days in any one calendar year not to exceed 240 hours of paid military leave for eligible activities. (Part A)



Employees who are called or ordered to active duty are permitted up to an additional 30 days not to exceed 240 hours. (Part B)



The specific amount permitted for each call to duty is dependent upon the authority under which the employee is called or ordered to duty, the timing of the call in the calendar year and the amount of military leave available at the time of the call of duty.

PARENTAL LEAVE

The Parental Leave Act (PLA) is a state law created in 1989 that provides eligible employees up to 12 weeks of unpaid leave, following the exhaustion of their annual leave and family sick leave during any 12-month period.

Eligible employees may take leave for the birth of a child; placement of a child with the employee for adoption (this does not include time off for coordinating legal guardianship and bonding time for foster children); to care for the employee's son, daughter, spouse, parent, or dependent who has a serious health condition.

Employee has been employed 12 consecutive weeks.

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WORKER'S COMPENSATION



An employee who sustains a work-related injury shall submit an Election of Option form within 3 working days of the date of injury to designate the employee's choice of either sick leave or TTD benefits. Claim must be submitted within 24 hours with Encova.



Every 30 days of absence from work, the employee shall contact their facility and provide HR a physician's statement. If the medical documentation covers a longer period of time, a new physician's statement is not required but the employee must still contact the facility.



Employees continue to accrue annual increment pay and tenure while receiving TTD benefits during absences related to a compensable injury. Sick leave does not accrue while an employee is on such leave without pay. Holidays occurring during this period will not be paid.



Provide employee the Return-to-Work packet to be provided to their treating physician so they are aware that modified work is available.

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- **Provide employee the required leave of absence paperwork and notify them of their Rights & Responsibilities under FMLA, informing them the leave of absence paperwork must be returned within 15 days.**
- **Provide employee the leave of absence letter informing them when they went off payroll, make sure the letter matches correctly with the timecard entry in Kronos, and the letter must contain their expected return to work date, as well as identifying the correct type of leave of absence employee is being placed on.**
- **Submit leave of absence documentation to DAS HR to ensure the timely processing of the employee's leave of absence. This should include the leave of absence letter, and the proper medical documentation supporting the time-period the leave has been approved for.**
- **If an employee's leave of absence has been extended, it requires updated medical documentation and an updated leave letter approving the extension of the employee's leave of absence. When the employee has been released to return back to work, you must notify DAS HR when the employee has returned back to work and include the release from their medical provider.**

TAKEAWAYS:

- **When an employee has exhausted their available leave balances and placed on unpaid leave, DO NOT key any leave that may have accrued in the next pay period.**
- **Leave of absence letters must match when the employee went off payroll in Kronos.**
- **If employee's leave of absence has been extended, employee must provide updated medical documentation to support their need for continued leave prior to their expected return to work date. You must provide an updated letter showing the date their leave has been extended, and what their new expected return to work date will be.**
- **Sample Letters/Documents: www.personnel.wv.gov/rules/samples can be located on the Division of Personnel Website> Forms/Documents.**



QUESTIONS OR COMMENTS?

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