

SUBJECT: LEAVES OF ABSENCE

a) In general, leaves of absence:

1. Shall be administered by the District Superintendent/designee.
2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
3. 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.
4. Except by permission of the District Superintendent/designee as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

b) Leaves of absence, contractual, et al:

1. Employees who are members of a negotiating unit:

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

2. 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 Compensation Packages in effect between the SWBOCES and the group most compatible with the employment status of the employee.

3. Employees who are under contract or employment agreement to the SWBOCES:

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

c) Leaves of absence, unpaid, not covered in b) 1. above:

1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.

At the expiration of a paid sick leave of absence, 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.

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2. 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/designee shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
 3. 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.
 4. 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 SWBOCES.
- d) Other leaves of absence:

1. Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the District Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work 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.

2. Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are 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.

3. Blood Donation

The SWBOCES must either, at its option:

- (a) Grant three (3) hours of leave of absence in any twelve (12) month period to an employee who seeks to donate blood. According to Commissioner's Guidelines, leave granted to employees for off-premises blood donation is not required to be paid leave.

The leave may not exceed three (3) hours unless agreed to by the District Superintendent/designee; or

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- (b) Allow its employees 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 District Superintendent/designee, including allowing an employee to participate in a blood drive at the SWBOCES.

Leave taken by employees at a SWBOCES-designated donation alternative (such as a SWBOCES-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The SWBOCES shall not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

4. 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 to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the District Superintendent/designee. The SWBOCES shall require verification for the purpose and length of each leave requested by the employee for this purpose.

5. Nursing Mothers

The SWBOCES 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 child birth. The SWBOCES shall make reasonable efforts to provide a room or other location in proximity to the work area where the nursing mother can express milk in privacy. The SWBOCES 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 on the proximity of the designated location for expressing breast milk. In most situations, the SWBOCES is required to provide unpaid break time at least once every (3) hours if requested by the employee. When applicable, the employee has the option 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 SWBOCES' normal work hours.

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The SWBOCES 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 SWBOCES advance notice, preferably prior to her return to work, to allow the SWBOCES an opportunity to establish a location and schedule leave time to accommodate employees as needed.

6. **Military Leave (see Policy #5342)**

The SWBOCES will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and are unpaid.

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, 202-j and 206-c

Military Law Sections 242 and 243