



*Workforce*  
**DEVELOPMENT**  
**BOARD OF KANAWHA COUNTY**

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**REGION III WORKFORCE DEVELOPMENT BOARD OF KANAWHA  
COUNTY**

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**WORKFORCE DEVELOPMENT BOARD OF KANAWHA COUNTY**

**PERSONNEL POLICIES**

**Section 6. EXTENDED LEAVE**

An injured or ill regular employee may, upon written application to the Executive Director, be granted a continuous leave of absence without pay not to exceed six (6) months provided: The maximum extended leave is 6 months. Employees on extended leave must use their available sick and annual leave. Once they have exhausted all leave, then it is leave without pay.

a) Application is made within thirty (30) calendar days of the expiration of all leave; b) All Annual and Sick Leave has or will be exhausted; c) His/her absence is due to illness or injury that has been verified by a physician as preventing him/her from performing his/her duties; d) The disability is not of such a nature as to render the employee unable to perform his/her duties permanently, as verified by a physician.

At the expiration of leave of absence without pay, every effort will be undertaken to reinstate the employee to his/her former position or one of comparable duties without loss of rights unless the position is no longer available due to a reduction of work force caused by curtailment of funds. If the leave of absence without pay was granted because of illness, the employee must furnish a statement from the attending physician indicating the ability of the employee to return to work. Failure of the employee to report to work immediately following the expiration of the leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination.

**Section 6.1 FAMILY AND MEDICAL LEAVE**

Notwithstanding the foregoing, a regular employee may, upon written application to the Executive Director, be granted up to six (6) weeks of unpaid family and medical leave in a continuous 12-month period to eligible employees as defined below.

**Eligibility**

To be eligible for unpaid Family and Medical Leave (herein, "FML"), an employee must:

1. Have been employed by WDB-KC as a full-time employee (as defined by WDB-KC) for twelve (12) continuous months before leave is to begin, and
2. Require leave from work for a reason covered by this policy as listed below.

No employee shall suffer any form of discrimination or retaliation for applying for FML in accordance with this policy.

**Reasons for Leave**

An eligible employee can take FML for any of the following reasons:

1. For the employee's own serious health condition;

2. For the birth of employee's child and to care for the newborn child;
3. For the placement of a child with the employee for adoption or foster care; or
4. To care for the employee's spouse, domestic partner, child, or parent who has a serious health condition.

For purposes of this FML policy a "serious health condition" means illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

#### Use of FML and Benefits While on Leave

FML will be subject to the following general requirements:

1. Generally, employees are entitled to take up to six (6) weeks of leave in a single 12-month period for the reasons specified above. For the purposes of this policy, WDB-KC will calculate the amount of FML available to an employee using a "rolling" 12-month period. Available leave is determined by subtracting the number of weeks of FML taken during this 12-month "look back" period from the 6-week total allowed.
2. Any FML taken for the birth/adoption/foster care placement of a child must be completed within one year after the date of birth or placement.
3. To the extent applicable, FML will run concurrently with federal FMLA and any leave provided under state or local law.
4. If an employee is enrolled in group health insurance benefits, these benefits will continue as if the employee had not taken leave, provided the employee is eligible under the group health insurance policy; however, the employee is responsible for his/her portion of the premiums due on the coverage.

#### How to Request FML

If employee requests leave for a reason that the employee believes qualifies under this policy, the employee must comply with WDB-KC's Extended Leave Policy stated in Section 6 of this Handbook. For avoidance of doubt, for a foreseeable FML the employee must submit his/her application within thirty (30) calendar days of the expiration of all available paid annual and sick leave. The form for application for FML may be requested from the Executive Director for WDB-KC or the human resources manager. Failure to comply with WDB-KC's absence reporting policies and procedures or to provide documentation or information requested may result in delay or denial of the requested time off and/or discipline.

An employee may take FML on a part-time basis and on a part-time leave schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve consecutive months, and such leave shall be scheduled so as not to disrupt unduly the operations of WDB-KC.

- (1) If a leave is because of birth or adoption is **foreseeable**, the employee shall provide the employer with thirty (30) calendar days written notice of such expected birth or adoption.
- (2) If a leave under this section is **foreseeable** because of planned medical treatment or supervision, the employee:
  - (A) Shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of WDB-KC, subject to the approval of the health care; and
  - (B) Shall provide the employer with thirty (30) calendar days written notice of the treatment

or supervision.

#### Certification

In support of the need for FML, the employee must provide a complete and sufficient certification form to WDB-KC within 15 calendar days after WDB-KC requests it. If requested, a certification form will be provided by WDB-KC to the employee at the time of the request.<sup>1</sup> If it is not practicable for the employee to provide a certification within 15 days despite the employee's diligent, good faith efforts to do so, the employee must contact the Executive Director within 15 days to explain the situation.

#### Reinstatement

If an employee timely returns from FML and used the leave for the stated purpose, the employee will be reinstated to the same position held when leave began, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

Before returning to work from FML for the employee's own serious health condition, the employee may be required to submit certification from a health care provider that the employee is able to resume work.

#### Prohibitions

The following conduct is strictly prohibited in relation to FML:

- Engaging in fraud, misrepresentation or providing false information to WDB-KC or any health care provider.
- Failure to comply with the employee's obligations under this policy.
- Failure to timely return from the leave.

Employees who engage in such conduct will be subject to loss of benefits, denial or termination of FML, and discipline.

#### Compliance with State and Local law

WDB-KC recognizes the co-existence of state and federal laws regarding family and medical leave. Where such laws apply and provide greater family and medical leave rights than this policy, WDB-KC will comply with those laws.

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<sup>1</sup> The certification form for unpaid leave approved and used by the State of West Virginia will be modified and used by WDB-KC.