

SUBJECT: LEAVES OF ABSENCE

a) In general:

1. Leaves of absence shall be subject to the recommendation of the District Superintendent.
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, 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 BOCES 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 employee handbooks in effect.

3. Employees who are under contract to the BOCES:

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

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

c) 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 leave on an annual basis (July 1st through June 30th) to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of leave on an annual basis (July 1st through June 30th) 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 paid leave and shall not be charged against any other leave to which the employee is entitled.

3. Blood Donation

Employees shall be granted three (3) hours of leave on an annual basis (July 1st through June 30th) for the purpose of donating blood. This leave shall be paid leave and shall not be charged against any other leave to which the employee is entitled.

4. Bone Marrow Donation

Employees shall be granted up to twenty-four (24) hours of leave, in increments as determined by the attending physician, for the purpose of undergoing a medical procedure to donate bone marrow. This leave shall be paid leave and shall not be charged against any other leave to which the employee is entitled.

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

5. Nursing Mothers

Nursing mothers shall be granted reasonable break time each day, either regularly scheduled paid breaks or additional unpaid breaks, to allow the expression of breast milk for up to three (3) years following childbirth. The BOCES shall make reasonable efforts to provide a room or other location in close proximity to the work area where the mother can express milk in privacy.

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 BOCES is required to provide unpaid break time at least once every (3) hours if requested by the employee. At the employee's option, the BOCES 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 BOCES normal work hours.

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

6. Military Leave

The BOCES will comply with state and federal laws regarding military leave and re-employment. Also, up to ten (10) days of unpaid leave will be provided to an employee whose spouse is on leave from the armed forces while deployed during a period of military conflict. Further, leave may be available to care for a spouse, child, parent, or next of kin who has been injured while on active military duty (see *Policy 5000 regarding the Family and Medical Leave Act*).

7. 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 leave.

To use this leave, the employee shall provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee 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.

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
New York Penal Law Section 215.14

Adopted: 6/5/2008
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