

Vacation and Holidays

Purpose: Vacations are viewed as an important element in maintaining vigor while at work as well as reward for services performed. Extended contract (more than 200 days) employees are; therefore, expected to annually make use of the time granted for that purpose.

Responsibility: It will be the responsibility of the Board, Superintendent and immediate supervisors to administer this policy. The following are guidelines for the administration of this policy.

Section 1. Vacations:

This rule is applicable to employees on extended year (more than 200 days) contracts only.

1.1 Annual vacation days shall be granted to employees on extended contracts as follows:

<u>Contract Days</u>	<u>Annual Vacation Days</u>
203	1
205	2
210	3
215	4
220	5
225	6
230	7
235	8
240	9
245	9.5
247	10
260	20

1.2 The Superintendent’s contract adjudicates his/her vacation accrual, usage and allowable carryover.

1.3 Vacation shall not be taken prior to accrual (earning it).

1.4 Payment of salary in lieu of taking vacation is not permitted.

1.5 Employees will be given their choice of vacation time insofar as possible, subject to the approval of their immediate supervisor and the Superintendent. However, the Superintendent shall coordinate the vacation schedule in such a way as to minimize any interruption of normal operation of the schools and administrative offices.

1.5.1 Vacation periods lasting three or more consecutive days (inclusive of weekends) must be requested at least two weeks in advance to ensure proper scheduling/staffing.

1.5.2 One or two days of vacation must be requested at least 24 hours in advance.

1.6 Vacation time should regularly be utilized each year. Accumulation and carryover of vacation days from one year to the next shall not exceed 20

Vacation and Holidays – continued

cumulative days. At the end of business on June 30th any days in excess of 20 will convert to sick/personal leave.

- 1.7 If an employee terminates service with the Board, he/she may take as terminal leave any accrued vacation not to exceed 20 days to be used prior to the effective date of their resignation. As of the date of the resignation, any unused vacation days will convert to sick leave.
- 1.8 Accumulated (unused) vacation accruals earned may follow an employee who transfers to another extended contract position.

Section 2. Holidays:

- 2.1 The following shall be considered as paid holidays (observed) for all employees.

- | | |
|----------------------|-------------------------|
| Labor Day | Veterans Day |
| Thanksgiving Day | Christmas Day |
| New Years Day | Martin Luther King Day* |
| Memorial Day | |
| Primary Election Day | General Election Day |

*The Board will observe the Monday that is deemed as Martin Luther King Day as a holiday. However, any public employee may observe this day on his actual birthday (January 15th) in accordance with law. If an employee elects to be off on Martin Luther King’s actual birthday, then that time will be charged against the employee’s accrued vacation time or personal leave (no-cause) days.

- 2.2 Extended contract employees normally scheduled to work the months of June and July shall have the above paid holidays plus the following days normally observed outside the school calendar.

- | | |
|-------------------|------------------|
| West Virginia Day | Independence Day |
|-------------------|------------------|

Vacation Accrual in Excess of Levels Permitted by Policy 6350: The Board is satisfied that the limitations upon the carryover of accrued vacation; proscription against the payment of salary in lieu of vacation; and, the provision relating to the use of accrued vacation as terminal leave, may not have been communicated to affected employees. This Board is also satisfied that as a result of this lack of information, certain employees have labored under the misapprehension that no limit existed upon the accrual of vacation leave and that all accrued vacation could be converted to a lump sum payment upon termination of employment (through resignation or retirement). Such employees may have mistakenly relied upon this mistaken notion to their detriment in terms of personal financial planning.

In recognition of the above-described circumstance, that may not be attributed to the fault of the affected employees, the Board had determined to permit a one-time voluntary election of the part of employees who believe they have accrued vacation leave beyond the limits established by Policy 6350 to convert such excess vacation leave to personal leave. As a condition to exercising this election, employees must: execute an affidavit asserting they were unaware of the terms of Policy 6350 and mistakenly believed that vacation leave could be accrued without limitation and be used to obtain a lump sum payment upon termination of employment; and, execute a release

Vacation and Holidays – continued

relinquishing any and all claims arising from the accumulation of vacation leave in excess of the carryover limits established by Policy 6350 and arising from their voluntary election to convert accrued vacation leave to personal leave. The deadline for exercising this election is April 13, 2007.

Affected employees who do not exercise this election shall be subject to the application of the terms of Policy 6350 and will not have the benefit of vacation leave accrued in excess of the limits set forth in the policy.

Should any part of the policy be determined to be invalid by a court of competent jurisdiction any remaining provisions shall remain valid and enforceable.

Source: Board of Education Minutes

**Dates: 08/08/22; 08/14/17; 10/24/11; 1/23/07; 9/19/89; 8/4/87; 9/16/86; 1985; 1983;
10/22/80; 9/18/79; 6/5/73
Amendment: 3/26/07**

Legal Reference: Schools Laws of West Virginia: §2-2-1b; §18A-5-2