



INSTITUTIONAL POLICY: PE-03

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| Category: | Personnel |
| Subject: | Institutional Holidays and Employee Leave |
| Effective Date: | February 5, 2018 |
| Updated: | N/A |

PE 03-1. Authority

W. Va. Code § 18B-1-6

PE 03-2. Purpose

This policy governs the setting of institutional holidays and the parameters for employee leave.

PE 03-3. Institutional Holidays

3.1 Delegation of Power

The West Virginia School of Osteopathic Medicine (“WVSOM”) Board of Governors hereby delegates to the President the authority to determine, annually, six holidays which will be observed by WVSOM employees in addition to the six holidays specified in Section 3.2.1 of this policy.

3.2 Number of Full Holidays

3.2.1 The number of full holidays shall be twelve (12), plus additional days for any election day (primary or general) held throughout the state. Days taken shall include Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year’s Day, and Martin Luther King Day. Six additional days determined by the President after consultation with WVSOM administration, faculty, and staff as provided in Section 3.1 of this policy shall also be taken. If a specified holiday falls on either a Saturday or Sunday, then either the preceding Friday or the following Monday will be observed as the legal holiday, as designated by the President.

3.2.2 Proclamation of additional legal holidays by the President of the United States, Governor of West Virginia, or other duly constituted authority may be observed by WVSOM employees as determined and communicated by the President of WVSOM or his/her designee. The President of WVSOM may determine that any such additional legal holidays shall be observed at a future date, if operational needs of the institution require the holiday not be observed on the date proclaimed.

3.3 Half Holidays

3.3.1 One-half day preceding Christmas or New Year’s Day shall be a holiday when Christmas or New Year’s Day falls on Tuesday, Wednesday, Thursday, or Friday.

3.3.2 WVSOM considers a half day holiday to be 3.5 hours, unless otherwise instructed by the President.

3.4 Election Day

If WVSOM is open on any election day, then an employee may provide written notice to their supervisor, three days prior to the election, that the employee needs a period of time not to exceed three hours between the opening and the closing of the polls to cast his or her vote and return to work due to the employee's work schedule and poll hours. Up to three hours will be provided to the employee without penalty or deduction from his or her usual salary or wages on account of such absence when the employee does not have three or more hours of his or her own time away from WVSOM at any time between the hours of the opening and the closing of the polls on election day.

3.5 Schedules

3.5.1 Holiday schedules will be established and used on a fiscal year basis and posted to the WVSOM website.

3.5.2 When a full-time regular, non-exempt employee is required to work on any designated institutional holiday, that employee at his/her option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1 ½) times the number of hours actually worked. Exempt employees required to work on a designated institutional holiday shall receive holiday float time for each hour actually worked.

3.5.3 A recognized WVSOM holiday occurring during an employee's paid leave period shall not be considered as a day of leave, provided the employee is not in a terminal leave period.

PE 03-4. General Employee Leave Provisions

4.1 Qualified employees of WVSOM are provided a comprehensive leave program as state employees. Employees working 1,950 hours within a twelve month period accrue leave at the full rate. Employees working between 1,040 and 1,950 hours within a twelve month period receive pro rata leave. Employees working under 1,040 hours within a twelve month period receive no leave. If an employee works less than a full pay period or is on unpaid leave during a pay period, then their annual and sick leave will be accrued on a pro rata basis. Some federal and state leave provisions also apply to part-time employees.

4.2 WVSOM is required to keep on file a record showing the current leave status of each leave-earning employee.

4.3 Throughout this section, a day is defined as 7.5 hours, which is the standard work day of all employees unless designated otherwise by the appropriate Vice President or Associate Vice President.

PE 03-5. Sick Leave

5.1 Accrual

5.1.1 Full-time regular employees are eligible to earn sick leave immediately upon employment at a rate of 18 days per year or hours equal to 5.20 hours each pay period. Employees working between 1,040 and 1,950 hours with a twelve month period accrue sick leave on a prorated basis. Accruals are awarded on the first day of the following pay period and accruals are prorated for any partial pay periods worked.

5.1.2 There is no limit to the amount of sick leave an employee can accumulate and carry forward from year to year. Sick leave may be used for an employee's own personal illness, injury, or routine medical/dental appointments, and those of his/her immediate family. Immediate family is defined to include: father, mother, son, daughter, sister, brother, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepfather, stepmother, stepchildren, or others considered to be members of the household and living under the same roof.

5.2 Transfer of Sick Leave

When an employee transfers from other WV agencies of state government or from other WV state institutions of higher education to another WV institution, the employee's accumulated sick leave may be transferred. Written verification of the accumulated amount of sick leave to be transferred must be provided by the state agency or institution of higher education wherein the employee accumulated the sick leave within one year of the date of employment with WVSOM. The employee is responsible to make the request for transfer in writing to the original agency or institution with a copy to WVSOM. If transfer is not made within one year of the date of new employment, all accumulated sick leave is forfeited.

5.3 Requirements for Approval

Sick leave for more than five consecutive work days requires satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. Failure to provide this proof of illness or injury may result in a denial of a sick leave request. An employee having an extended illness or serious injury lasting longer than two consecutive weeks shall, before returning to duty, obtain satisfactory written medical clearance indicating the employee's release to return to work and ability to perform his/her duties. If there is any question as to the employee's ability to perform his/her job responsibilities, a medical release may be required at any time before an employee returns to work following an illness, serious injury, or other medical condition. WVSOM may require evidence from an employee for verification of an illness or other causes for which sick leave may be granted, regardless of the duration of the leave. Sick leave requests should be made through the electronic leave management system. Supervisors who have an employee that is experiencing a major health event that may require an extended leave should notify the Office of Human Resources and the Office of Business Affairs/Payroll Office as soon as possible.

5.4 Pregnancy Related Illness or Disability

Disabilities caused or contributed to by pregnancy, childbirth, miscarriage, abortion, and recovery shall be considered temporary disabilities. These shall be treated the same as any other illness or disability would be treated for sick leave entitlement. WVSOM may require evidence from an employee for verification of an illness or other causes for which leave is granted, regardless of the duration of the leave.

5.5 Bereavement Leave

Leave eligible employees may be able to charge up to 5 days of sick leave as bereavement leave. Bereavement leave is intended to provide an employee with time to arrange for and attend the funeral and related services of an immediate family member, including travel time. Additional time (in excess of the five days) necessary to meet the obligations shall be charged to annual leave. Bereavement leave is not provided for estate legal obligations and/or an extended bereavement period. Annual leave may be requested for these purposes.

5.6 Reinstatement of Sick Leave upon Reemployment

Sick leave provisions are contingent upon continued employment. When an employee's WVSOM employment terminates, all sick leave credited to the employee shall be considered cancelled as of the last working day with WVSOM, and no reimbursement shall be provided for unused sick leave except in the event of applicable retirement. If applicable, sick leave will be converted to insurance coverage consistent with Section 5.7. Employees who resign in good standing and are later reemployed may have their total accumulated sick leave reinstated, provided the date of termination is one year or less from the date of reemployment. However, if the employee returns to work after more than one year from the date of termination, no more than 30 days of accumulated sick leave may be reinstated.

5.7 Sick and Annual Leave Conversion upon Retirement

5.7.1 Upon meeting certain requirements, individuals retiring from WVSOM may be eligible to apply unused sick leave as a credit toward the premium for PEIA, just as they can apply unused annual leave for this purpose. This option is not available to employees hired on or after July 1, 2001.

5.7.2 For employees enrolled in a PEIA insurance plan before July 1, 1988, the conversion factor is: two days accrued annual or sick leave equal 100% of the premium for one month of single coverage. Three days accrued annual or sick leave equal 100% of the premium for one month of family coverage.

5.7.3 For employees who enrolled in the PEIA insurance plan on and after July 1, 1988, and before July 1, 2001 with continuous employment since that time, the conversion factor is: Two days of accrued annual or sick leave results in 50% of the premium for one month of single coverage. Three days of accrued annual or sick leave equals 50% of the premium for one month of family coverage.

5.7.4 Individuals employed on and after July 1, 2001 do not have the benefit of exchanging accrued leave for payment of insurance premiums.

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| Enrolled before July 1, 1988 | 2 Days of Sick/Annual = 100% of Single Coverage (1 mo.) 3 Days of Sick/Annual = 100% of Family Coverage (1 mo.) |
| Enrolled on and after July 1, 1988 & before July 1, 2001 | 2 Days of Sick/Annual = 50% of Single Coverage (1 mo.) 3 Days of Sick/Annual = 50% of Family Coverage (1 mo.) |
| Enrolled on and after July 1, 2001 | No Exchanged Benefit |

5.8 Sick Leave Buy Back Program

In 2008, the West Virginia Department of Administration distributed procedures for eligible state employees to surrender a portion of their unused sick leave for a taxable cash benefit. Contingent upon state funding, employees who were hired prior to July 2001 are eligible for this benefit. Payment is at a rate of 25% of the employee's usual daily rate of pay. If employees leave State employment within five years from receipt of the funds (except in cases of death or retirement), then they must pay back the funds, plus 12% interest (Title 148, Series 21).

PE 03-6. Annual Leave

6.1 Accrual

- 6.1.1 WVSOM employees begin earning annual leave immediately upon employment. Annual leave can be used for absences from work and must be approved in advance by the employee's supervisor. Annual leave requests shall be made through the electronic time management system. Leave requests are to be submitted to the employee's supervisor for approval prior to taking leave.
- 6.1.2 All full-time employees shall be eligible for up to 24 days leave per year accumulated at a rate of 2.0 days per month from the date of employment, prorated for any partial months worked. Annual leave for full-time employees accrues on the first day of each month following the month worked.
- 6.1.3 Annual leave is not granted to casual or temporary employees although benefits eligible part time employees earn annual leave on a prorated basis.
- 6.1.4 WVSOM full-time regular 1.0 FTE employees can accumulate a maximum of 360 hours of annual leave accruals. Full-time regular employees who are 0.53 FTE to 0.99 FTE will have prorated maximums based on two times the employee's annual accrual amount. Part-time regular employees, those below 0.53FTE, do not accrue annual leave. Employees must be paid for their accrued annual leave at termination of employment or use it as terminal leave to remain on the payroll. Any amount of accrued annual leave in excess of two times an employee's annual accrual amount is forfeited.

6.2 Transfer of Annual Leave

Up to 15 days of annual leave may be transferred with an employee from one WV State agency or institution to WVSOM. Certification of the balance which existed with the previous employing agency must accompany the request for transfer of annual leave by the employee.

6.3 Scheduling and Use of Annual Leave

Annual leave must be pre-approved by the employee's supervisor or authorized designee of the supervisor. Annual leave shall be arranged to fit operating schedules; however, consideration shall be given to all employee requests. Seniority may be considered by the supervisor when approving annual leave requests. An employee may not take leave before it is earned.

6.4 Payment upon Termination of Employment or Death

When an employee's WVSOM employment terminates, accrued annual leave will be compensated. This is accomplished either by paying the employee for the value of the leave all at once (lump sum payment paid on the next eligible payroll) or by the employee remaining on the payroll using terminal leave and applying leave for each day until it has been depleted. In most cases, the employee may choose which option he or she prefers (W. Va. Code § 5-5-3). In case of an employee's death, the employee's annual leave will be paid in a lump sum payment to his/her estate.

6.5 Terminal Leave Period

A terminal leave period is defined as the time between an employee's last day of actual work and the time that the employee's accrued annual leave has expired. In cases where the employee is remaining on the payroll until the expiration of annual leave rather than taking a lump sum payment, the annual leave balance at the time of the last day of actual work is the total annual leave due the employee. During a terminal leave period, no type of leave may be accrued and no holidays are paid. Terminal leave is initiated by the last day of scheduled work, due to resignation, retirement, etc. As long as an employee remains active on the payroll, the employee's benefits, other than annual and sick leave, will continue and payment for those benefits will continue to be deducted from the employee's paycheck.

PE 03-7. Catastrophic Leave of Absence

7.1 Catastrophic leave is a wage replacement benefit that is available to eligible employees, as defined below, for a catastrophic illness. Use of donated credits may not exceed a maximum of twelve continuous calendar months for any one catastrophic illness or injury.

7.2 Definitions

7.2.1 A catastrophic illness is defined as a medically verified illness or injury which is expected to incapacitate an employee and which creates a financial hardship because the employee has exhausted all leave and other paid time off. Catastrophic illness or injury may also include an incapacitated immediate family member if this results in the eligible employee being required to take time off from work to care for the family member and the employee has exhausted all leave and other paid time off.

7.2.2 Immediate family member is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step children, or others considered to be members of the household and living under the same roof.

7.3 Requests for Leave

7.3.1 Employees wishing to request catastrophic leave should submit a written request to the Office of Human Resources. Catastrophic leave requests require satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to WVSOM. Failure to provide this proof may result in a denial of approval for the requested catastrophic leave. The President is the approval authority for all catastrophic leave requests.

7.3.2 Once approved, any other leave earning employee may donate sick or annual leave into a “bank” established to directly transfer these days to the affected employee. Any days donated are to be provided in full day increments in writing, to the Office of Human Resources. Donated days are used in order based on the date they were received. Leave days will accrue when an individual is on catastrophic leave. An individual’s accrued leave will be used prior to any donated leave. If all donated days are not used, they shall be returned to the donating employee and reflected on his/her leave balance. Under no circumstances is an employee required to donate time to another employee. This is an elective program.

7.4 Donations

7.4.1 WVSOM has established procedures for direct transfer of sick or annual leave to an employee who has requested and been approved to receive leave donations due to a catastrophic illness or injury. WVSOM recommends employees maintain a minimum of 22 days of annual/sick leave when considering donating leave to a colleague to safeguard their own leave needs. Employees who have provided WVSOM with their notice of resignation or retirement may donate leave but their leave will only be utilized until the day of their separation from WVSOM.

7.4.2 All benefits will be continued for the employee while on catastrophic leave for the period donated days are available. Use of donated credits may not exceed a maximum of 12 continuous calendar months for any one catastrophic illness or injury. Direct transfer of leave or deposits into a leave bank may be inter-institutional, enabling individuals employed in other WV schools or universities to receive or donate leave days to employees in other WV state institutions.

7.4.3 Donated leave is paid at the regular rate of the receiving employee.

PE 03-8. Special Emergency Leave with Pay

Special emergency leave with pay may be granted by the President or the President’s designee to full-time employees in the event of extreme misfortune to the employee or the employee’s immediate family. The leave should be the minimum necessary, and in no case may it exceed five days (37.5 hours) within any 12 consecutive month period. Typical events which may qualify an employee for such leave are fire, flood, or other events of a nature requiring emergency attention by the employee (other than personal illness, injury or serious illness or a death in the employee’s immediate family). Written documentation of such events may be required. This leave is completely discretionary.

PE 03-9. Family and Medical Leave Act (FMLA)

- 9.1 Provisions of the Federal Family and Medical Leave Act (FMLA) provide up to twelve weeks of unpaid, job protected leave within a 12 month period.
- 9.2 Some of the reasons for taking FMLA leave:
 - 9.2.1 To care for the employee's child after birth, or placement of a child with the employee for adoption or foster care;
 - 9.2.2 To care for the employee's spouse, child, or parent who has a serious health condition; or
 - 9.2.3 For a serious health condition that makes the employee unable to perform the employee's job.
 - 9.2.4 FMLA provides two military related benefits. Eligible employees may use up to twelve weeks for a spouse, child, or parent on active duty to address certain qualifying exigencies. The Act also includes a special leave entitlement that permits up to twenty six weeks of leave during a single twelve month period. This may be provided to a covered service member who has a serious injury or illness that occurred in the line of duty and renders him/her medically unfit to perform his/her duties.
- 9.3 Employees are eligible for these benefits if they have worked for at least one year, for a minimum of 1,250 hours over the previous twelve months. Employees are required to formally request FMLA leave in writing thirty days in advance if possible. In all instances, written documentation supporting the illness or condition and pending return to work date must be provided. Written requests must be provided to the Office of Human Resources.
- 9.4 WVSOM requires the employee to use accrued paid leave while taking approved FMLA leave. An employee's annual leave does not have to be exhausted before the employee can go off the payroll, but all sick leave does. FMLA leave can run concurrent with paid sick, annual, or catastrophic leave. In other words, the 12 weeks of FMLA leave would include any paid leave that is used by the employee during this period. Medical insurance coverage may continue during this leave period if the employee continues to pay the employee's share of the insurance premiums and provides monthly medical verification from a care provider as required by WVSOM's health insurance provider. FMLA entitles an employee to the same or equivalent job upon the employee's return to work within the designated time period, and it protects employees from retaliation. WVSOM calculates FMLA on a 12-month rolling period from the time that leave is initially taken for a maximum of 12 weeks leave in that 12-month period.
- 9.5 Additional details and required forms are available from the Office of Human Resources.
- 9.6 FMLA is a federally mandated program and final determination regarding the use of FMLA by WVSOM employees will be consistent with current FMLA standards and requirements.

PE 03-10. West Virginia Parental Leave Act

- 10.1 The West Virginia Parental Leave Act (WVPLA) authorizes eligible employees to request up to 12 weeks of unpaid parental leave per year. To be eligible to request leave under

WVPLA, an employee must have worked at least 12 consecutive weeks for the State of West Virginia and he/she must be a full-time employee (benefits eligible). The WVPLA leave may be taken in addition to any available paid leave. The WVPLA entitles employees to return to the same position they previously held, when they return to work. It prohibits interference with employee rights (W. Va. Code § 21-5D-1, et seq.).

- 10.2 The basis of a WVPLA request is due to the birth of a child or adoption of a child by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent, or dependent who has a serious health condition. The employee must provide his/her supervisor with written notice two weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. The employee must provide the Office of Human Resources with certification by the treating physician and/or documentation regarding dependency status. All annual leave must be exhausted before the parental leave begins.
- 10.3 During the West Virginia Parental Leave by an employee, group health insurance coverage shall continue during the leave period, provided the employee pays the employer the full premium cost of the health plan. WVSOM shall hold the position of the employee not to exceed the twelve week period of the leave and the employee shall be returned to his/her position upon medical documentation for return.
- 10.4 WVSOM calculates leave taken under the WVPLA on a 12-month basis beginning on the date leave is initially taken, and leave cannot exceed 12 weeks in that 12-month period.
- 10.5 West Virginia Parental Leave Act leave cannot be stacked on FMLA leave to allow 24 weeks leave in any 12-month period.

PE 03-11. Leave of Absence without Pay

11.1 Medical Leave of Absence without Pay

- 11.1.1 Any employee requesting a medical leave of absence without pay must provide the appropriate Vice President or Associate Vice President with satisfactory medical evidence, such as a statement from the attending physician, indicating he/she is unable to work. This statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the appropriate Vice President or Associate Vice President may authorize a medical leave of absence without pay only for the period of disability specified by the attending physician and not for more than 12 months. This leave is discretionary. When determining whether or not to approve the request, the appropriate Vice President or Associate Vice President must take into consideration the needs of WVSOM and the ability to compensate for the employee's absence.
- 11.1.2 Employees on a leave of absence without pay shall not accrue annual or sick leave or years of service credit for any full months in which they are off the payroll. Employees will also not receive holiday pay.
- 11.1.3 Group health coverage shall continue throughout the unpaid medical leave provided the employee pays their portion of the premium cost of the plan and meets all eligibility requirements as outlined by PEIA.

11.1.4 The employee shall be expected to report to work on the first workday following the expiration of the leave period. The employee shall provide written medical clearance indicating the employee's ability to return to work and satisfactorily perform his/her duties.

11.1.5 Employees will accrue annual leave and service credit for annual leave accrual determination, but will not accrue sick leave, when they are out on Workers Compensation leave.

11.2 Personal Leave of Absence without Pay

An employee, upon application in writing and upon written approval by the appropriate Vice President or Associate Vice President, may be granted a continuous leave of absence without pay for a period of time not to exceed 12 consecutive months, provided all accrued annual leave and accrued compensatory time has been exhausted. The appropriate Vice President or Associate Vice President, at her/his discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay. At the expiration of leave of absence without pay, the employee shall be reinstated without loss of any rights, unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload. Failure of an employee to report promptly at the expiration of an approved personal leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for immediate termination of employment by the institution. During a personal leave, group health insurance coverage shall continue provided that the employee pays the employer the full premium costs of such group health plan. Employees on personal leave of absence without pay shall not accrue annual or sick leave or years of service credit or holiday pay for any and all full months in which they are off the payroll.

PE 03-12. Military Leave

12.1 An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of 30 working days ordered or authorized under provisions of state law in any 1 calendar year. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increase, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave prior to beginning the leave.

12.2 Benefits of this section shall accrue for 30 working days after they report for active service to individuals ordered or called to active duty by the President of the United States (W.Va. Code § 15-1F-1).

12.3 After utilizing Military Leave, an employee may elect to use their allotted paid leave of absence, accrued annual leave, or freeze annual leave to continue their military service.

PE 03-13. Red Cross Leave

An employee who is a certified disaster service volunteer of the American Red Cross may be granted leave with pay for up to 15 work days per year calendar year to participate in relief services for the American Red Cross. This leave must be requested in writing and approved by the employee's supervisor and the President of WVSOM prior to using the leave. (W.Va. Code § 15-5-15a).

PE 03-14. Witness and Jury Leave

- 14.1 Upon application in writing, an employee may be granted leave as described in this section provided the employee is not a party to the action. The application and a copy of the subpoena or other legal documents should be maintained by the employee's supervisor. Annual leave will not be charged under the provisions of this section
- 14.2 When, in obedience to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of West Virginia, a political subdivision thereof, the institution, or is a member of a jury, the employee shall be entitled to leave with pay for such duty and for such period of required absence.
- 14.3 When attendance in a court is in connection with an employee's usual official duties, time required in going and returning shall not be considered as absence from duty. When an employee serves on a jury, or is subpoenaed in litigation related to the employee's usual duties, the employee shall be entitled to leave with pay for such duty and for such period of required absence. The employee shall report to work if he/she is excused by the court before the end of his/her regular work day. Provisions for employees who work a shift other than day shift shall be made according to WVSOM policy. Employees serving on a jury should provide a copy of jury notice to their supervisor.

PE 03-15. Educational Leave

Leave without pay for continuing education may be provided to staff under certain conditions. Eligible employees may be released from work to attend classes during normal work hours. The request must be in writing with supporting documentation provided and must be approved by the immediate supervisor and the Office of Human Resources. This time shall not exceed three hours per week during the course of the program and shall not result in a negative impact on the quantity and quality of the work performed.

PE 03-16. Professional Development Leave

WVSOM provides Professional Development Leave to all employees to attend conferences, meetings and other activities that will provide professional development to the employee. Professional Development Leave must be approved in advance by the employee's supervisor.

PE 03-17. Declared Emergency

- 17.1 At the discretion of the President or the President's designee, in consultation with local, state, or federal public safety officials, WVSOM operations may be shut down in total or in part

because of any circumstance which threatens the health or safety of employees and/or students, such as extreme inclement weather and facility shutdowns. Additionally, WVSOM Statewide Campus sites may be shut down independently of a WVSOM emergency closure. When WVSOM closes due to a declared emergency, all employees required to work shall be compensated.

- 17.2 All full-time regular employees are eligible for regular pay for work time lost because of a declared emergency. Work time lost will be considered regular work time for pay purposes and will not require time charged to accrued leave nor will there be a requirement that the hours be made up. When operational needs require a non-exempt, regular employee to work during a WVSOM declared emergency, in addition to regular pay the employee will receive compensation in either Compensatory Time Off (CTO) or pay at the rate of time and one-half for the actual hours worked during the declared emergency period. Exempt employees that work during a declared emergency period receive CTO on an hour-for-hour basis up to 7.5 hours per day. Statewide Campus employees, or any other WVSOM employee who is working, as approved by their supervisor, in an alternate location or at WVSOM during a WVSOM declared emergency closure will be compensated as stated above.
- 17.3 During Utility Service Disruption, Emergency Situations, and/or Inclement Weather, employees may be asked to perform their duties in alternate work locations. Employees that opt not to work in an alternate location must take annual leave. West Virginia Code § 12-3-13 specifies that absences from work due to inclement weather conditions other than during a declared emergency must be charged against accumulated annual leave, accumulated compensatory time, or the employee must be removed from the payroll for the time in question. If the employee has "floating holiday" time, the holiday record may also be charged. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.

PE 03-18. References

W. Va. Code § 2-2-1

PE 03-19. Superseding Provisions

This policy supersedes the West Virginia Higher Education Policy Commission ("HEPC") Series 14 (W. Va. Code R. § 133-14), Series 38 (W. Va. Code R. § 133-38), any other rule of HEPC which relates to the subject matter contained within this policy, and any conflicting provisions within the WVSOM Employee Handbook, the WVSOM Faculty Handbook, or any other WVSOM policies or procedures. This policy also repeals and supersedes WVSOM Institutional Policy GA-11: Institutional Holidays (effective October 2, 2017).