

STATE OF WEST VIRGINIA

REPORT OF

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION
UNIVERSITY OF WEST VIRGINIA SYSTEM
DECEMBER 1, 1989 - NOVEMBER 30, 1994



OFFICE OF LEGISLATIVE AUDITOR
Legislative Post Audit Division
CAPITOL BUILDING

CHARLESTON, WEST VIRGINIA 25305

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION

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STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION
UNIVERSITY OF WEST VIRGINIA SYSTEM
EXIT CONFERENCE

We held an exit conference on November 6, 1995 with the Chancellor of the Board of Trustees of the University of West Virginia System and all findings were reviewed and discussed. The Chancellor indicated his responses to the report will be submitted at a later date.

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION
UNIVERSITY OF WEST VIRGINIA SYSTEM

INTRODUCTION

Effective July 1, 1989, the Board of Regents, governing body of Higher Education in West Virginia, was abolished and replaced by the Board of Trustees (Board) to govern the University of West Virginia System and the Board of Directors to govern the State College System. Chapter 18B, Article 2, Section 1 of the West Virginia Code established the Board of Trustees for the University of West Virginia System. The Board consists of seventeen members, five of whom are ex-officio members with the remaining twelve appointed by the Governor and approved by the Senate. The Board employs a Chancellor who serves at the will and pleasure of the Board and assists the Board in the performance of its duties and responsibilities. Currently, Dr. Charles W. Manning of Charleston, West Virginia is serving in the capacity of Chancellor of the University of West Virginia System.

Board of Trustees System Rule Number 35, established under authority of Chapter 18B, Article 1, Section 6 of the West Virginia Code, establishes leave eligibility criteria and provides rules and guidelines for employee leave accrual and usage.

The University of West Virginia System is comprised of the six institutions listed below:

Marshall University
Huntington, WV

Potomac State College of West Virginia University
Keyser, WV

West Virginia Graduate College
South Charleston, WV

West Virginia School of Osteopathic Medicine
Lewisburg, WV

West Virginia University
Morgantown, WV

West Virginia University at Parkersburg
Parkersburg, WV

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION

UNIVERSITY OF WEST VIRGINIA SYSTEM

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WEST VIRGINIA LEGISLATURE
Joint Committee on Government and Finance



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Legislative Post Audit Division
Building 5, Room 751A
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Phone: 347-4880
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CHARLESTON, WEST VIRGINIA 25305

The Joint Committee on Government and Finance:

The purpose of this study was to determine the impact of Board of Trustees System Rule Number 35 on employee leave usage in the University of West Virginia System. To facilitate this determination, we established the following objectives:

- 1) To determine the total yearly cost of leave usage.
- 2) To determine any correlation between leave usage and salary and/or leave usage and tenure.
- 3) To determine average yearly leave usage per employee.
 - a. To ascertain the composition of the group of employees whose yearly leave usage exceeds the average yearly leave usage.
- 4) To determine full-time equivalent employees required as a result of leave usage.
 - a. Number of additional employees required.
- 5) To determine the effect of allowing all non-classified staff and twelve-month faculty to accrue two annual days per month.
- 6) To determine the effect of the policy as it relates to carryover of annual leave.

Information concerning employee leave usage for the period December 1, 1989 through November 30, 1994 was obtained by visiting each institution in the University of West Virginia System, reviewing institutional records and interviewing the appropriate university personnel. A random sample of employees was selected based on the total number of employees accruing leave at each institution as of November 30, 1994.

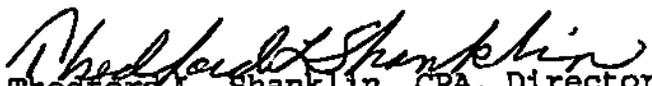
The records we reviewed for the sample of employees included personnel files, leave records and third party documentation of sick leave usage. For the purposes of this study, "third party documented sick leave" refers to that sick leave which is substantiated by a physician's statement and "integrity sick leave" refers to all other sick leave. We also reviewed each institution's payroll expenditure schedules to develop a salary history for each employee for the purpose of assigning a cost to leave usage. In calculating leave usage, donated sick and annual leave was included only as it was used by the recipient employee.

Any accrued annual leave lost when an employee's annual leave balance exceeded the maximum carryover available to them was not reflected as leave used. At all institutions in the University System other than West Virginia University, the percentage of accrued annual leave lost was based on a projection of the actual results of the employees selected from those institutions over the 5-year study period. However, West Virginia University only retains employee leave records for a period of 3 years consistent with applicable Federal statutes meaning any projections over a 5-

year span must be estimated. Our discussions with representatives of West Virginia University indicate an estimate of 10% of the annual leave days accrued being lost would be a reasonable estimate and such estimate was utilized as a basis for completing the leave study.

In the process of establishing average leave usages for the sample of employees based on salary level and tenure, we discovered wide variances in the leave usage patterns of classified employees as opposed to non-classified employees and twelve-month faculty. These variances would have resulted in a distortion of the averages. Therefore, we decided to divide the sample of employees into two groups or "strata": classified employees were included in one strata while non-classified staff and twelve-month faculty were in another strata. Since non-classified staff and twelve-month faculty comprise approximately twenty-seven percent of the total number of employees earning leave and differ greatly in salary and leave usage from classified employees who account for the remaining seventy-three percent of the total, we concentrated our analyses on those classified employees.

Sincerely yours,


Theodor L. Shanklin, CPA, Director
Legislative Post Audit Division

August 31, 1995

Auditors: Michael E. Sizemore, CPA, Supervisor
Neil M. McEachron, CPA, Supervisor
Michael A. House, CPA-Apprentice

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION

UNIVERSITY OF WEST VIRGINIA SYSTEM

SUMMARY OF FINDINGS

TOTAL COST OF LEAVE USAGE AMOUNTED TO \$76,146,680

1. For the study period, the cost of sick and annual leave usage was \$76,146,680.00 or \$15,229,336.00 per year. The average yearly leave usage for employees in our sample was 24.35 days. The cost of leave usage of those employees using leave below the average totaled \$42,642,141.00, while the cost of leave usage of those employees using leave in excess of the average totaled \$33,504,539.00. Annual leave usage accounts for \$54,348,577.00 or \$10,869,715.00 per year. Sick leave usage accounts for \$21,798,103.00 or \$4,359,621.00 per year, \$18,995,489.00 of which relates to integrity sick leave and \$2,802,614.00 relates to third party documented sick leave. Costs are based on salary and benefits.

COMPARISON OF LEAVE POLICIES

2. The total cost associated with annual leave per year to the University of West Virginia System (University System) during the study period amounted to \$2,255,303.00 more under the Higher Education leave policy than it would have under the Division of Personnel leave policy. The University System policy resulted in an additional cost to the State of \$939,284.00 per year as it pertains to accrual of annual leave for non-classified staff and twelve-month faculty, plus an

additional cost of \$1,316,019.00 per year as it pertains to carryover of annual leave.

RELATIONSHIP OF LEAVE USAGE TO EMPLOYEE COMPENSATION AND TENURE

3. After analyzing the correlation of leave usage to both salary and tenure, we have determined that tenure and sick leave usage exhibit only a slight relationship while there is a significant and direct correlation of sick leave usage to salary level. Use of sick leave decreases as salary level increases. Annual leave usage exhibits no correlation to salary level and is related to tenure only in that it is a reflection of accrual rate which is based on tenure.

ANALYSES OF EMPLOYEE LEAVE USAGE BY JOB CATEGORY

4. For classified employees, the average yearly leave usage was 26.41 days and the average salary was \$19,388.00. For non-classified staff and twelve-month faculty, the average yearly leave usage was 17.39 days and the average salary was \$45,658.00.

RELATIONSHIP OF LEAVE USAGE TO NUMBER OF EMPLOYEES REQUIRED

5. Our analysis revealed that a full-time equivalent employee of 1.10 was required for each position to compensate for leave used by employees. This translates to an additional 575 employees at a cost of \$15,229,336.00 per year based on average salary plus benefits.

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION

UNIVERSITY OF WEST VIRGINIA SYSTEM

GENERAL REMARKS

TOTAL COST OF LEAVE USAGE AMOUNTED TO \$76,146,680

Board of Trustees System Rule Number 35, included as Appendix A in this report, allows employees occupying full-time classified positions to accrue annual leave on the following basis:

Less than 5 years' service: 1.25 days/month, maximum carryover - 30 days;

5 but less than 10 years' service: 1.50 days/month, maximum carryover - 36 days;

10 but less than 15 years' service: 1.75 days/month, maximum carryover - 42 days; and,

15 or more years' service: 2.00 days/month, maximum carryover - 48 days.

Full-time non-classified employees and faculty with twelve-month appointments are allowed to accrue twenty-four (24) days leave per year calculated at the rate of 2.00 days per month from the date of employment. Employees working at least 1,040 hours per twelve (12) consecutive months on a regular and continuing basis, but less than full-time are allowed annual leave on a pro rata basis. Accumulated annual leave for continuing employees may be extended beyond that amount scheduled to be earned by an employee during a period of one (1) year based on the employee's current monthly rate of accrual by written approval of the president or his/her designee, but in no case shall it exceed twice the amount scheduled to be earned in any ensuing twelve-month period. Generally, all annual leave must be approved in advance.

Full-time employees accrue sick leave at the rate of 1.5 sick days per month. Employees working more than 1,040 hours on a regular and continuous basis during a twelve (12) consecutive month period but less than full-time accrue sick leave on a pro rata basis.

Sick leave may be used for the following reasons:

1. Employee is ill, injured or disabled;
2. Employee's immediate family member is seriously ill or dies; and,
3. If an employee has no annual leave and an extreme misfortune has happened to the employee or his/her immediate family, sick leave may be granted.

An employee's sick leave will not be granted for leave taken for more than five (5) consecutive days without satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the college. We call this form of proof "third party verification". The remaining sick leave taken, other than the aforementioned, is based on the employee's word or integrity and we call this leave "integrity sick leave". There is a provision for the institutions to require proof of sick leave for less than five (5) consecutive days. Also, there is a maximum charge against sick leave of two hundred sixty (260) work days per confinement, at which time disability retirement should be considered. Generally, sick leave is not approved in advance and the employee determines when he/she is ill.

The results of the above leave policies for the study period (December 1, 1989 - November 30, 1994) follows:

<u>TOTAL</u>			<u>YEARLY AVERAGE</u>		
<u>Annual</u>	<u>Sick</u>	<u>Total</u>	<u>Annual</u>	<u>Sick</u>	<u>Total</u>
<u>\$54,348,577</u>	<u>\$21,798,103</u>	<u>\$76,146,680</u>	<u>\$10,869,715</u>	<u>\$4,359,621</u>	<u>\$15,229,336</u>

Sick leave is further depicted as follows:

<u>TOTAL</u>			<u>YEARLY AVERAGE</u>		
<u>Integrity</u>	<u>3rd Party</u>	<u>Total</u>	<u>Integrity</u>	<u>3rd Party</u>	<u>Total</u>
<u>\$18,995,489</u>	<u>\$2,802,614</u>	<u>\$21,798,103</u>	<u>\$3,799,098</u>	<u>\$560,523</u>	<u>\$4,359,621</u>

The above tables indicate for every dollar spent on leave, annual leave represents \$0.71 and sick leave represents \$0.29. For every dollar spent on sick leave, integrity leave represents \$0.87 and third party leave represents \$0.13. The average yearly leave usage for employees in our sample was 24.35 days. The cost of leave usage of those employees using leave below the average totaled \$42,642,141.00, while the cost of leave usage of those employees using leave in excess of the average totaled \$33,504,539.00. Costs are based on average salary during the study period plus 30% of the average salary for the related employees' benefits.

COMPARISON OF LEAVE POLICIES

We noted in our study the University System's carryover policy allows a greater carryover of annual leave than the West Virginia Division of Personnel. The following table shows the difference in carryover policies between the two and the added costs to the University System based on the average salary during our study period plus 30% of the average salary for the related employees' benefits.

CLASSIFIED EMPLOYEES

<u>Tenure</u>	<u>Carryover in Days</u>		Additional Days Accrued Under Higher <u>Ed Policy</u>	<u>Cost</u>
	<u>University System</u>	<u>WV Div of Personnel</u>		
>2< 5 Years	30	30	-0-	\$ -0-
>5< 10 Years	36	30	258	16,512
>10< 15 Years	42	35	469	32,361
>15 Years	48	40	1,530	<u>139,230</u>
Cost Per Year				<u>\$188,103</u>

NON-CLASSIFIED STAFF & 12-MONTH FACULTY

<u>Tenure</u>	<u>Carryover in Days</u>		Additional Days Accrued Under Higher <u>Ed Policy</u>	<u>Cost</u>
	<u>University System</u>	<u>WV Div of Personnel</u>		
<5 Years	48	30	1,388	\$ 204,036
>5< 10 Years	48	30	2,372	521,840
>10< 15 Years	48	35	757	151,400
>15 Years	48	40	1,205	<u>250,640</u>
Cost Per Year				<u>\$1,127,916</u>
Total Cost Per Year				<u>\$1,316,019</u>

We mentioned earlier in this report that non-classified staff and twelve-month faculty accrued annual leave at the rate of two days per month no matter what the employee's length of service may be. Of the \$1,127,916.00 total cost shown in the table above, \$614,991.00 can be attributed to this policy. The following table shows the annual costs to the institutions resulting from the additional days accrued under this policy during our study period.

<u>Tenure</u>	<u>Accrual Days Per Year</u>		<u>Additional Days Accrued Under Higher Ed Policy</u>	<u>Cost</u>
	<u>University System</u>	<u>WV Div of Personnel</u>		
<5 Years	24	15	3,072	\$451,584
>5< 10 Years	24	18	1,715	377,300
>10< 15 Years	24	21	552	110,400
>15 Years	24	24	-0-	<u>-0-</u>
Total Per Year				<u>\$939,284</u>

The total cost per year to the University System during the study period amounted to \$2,255,303.00; because of the differences between the two policies. This amount reflects only the cost associated with those employees who utilized a portion of the additional days available under the Higher Education policy. If all employees had fully utilized the additional days available, the cost per year would have been \$7,318,689.00.

Patterns of annual leave usage by those employees included in the sample clearly illustrates the effect of the University System policy on annual leave usage. Many employees, especially non-classified staff and twelve-month faculty, take annual leave each month to avoid the loss of any leave time. Conversely, many employees actually lose annual leave when their balance exceeds the maximum accrual allowed at the end of the month. This policy may precipitate the use of annual leave at inopportune times during the course of the academic year since the alternative would be the loss of this benefit. In addition, this policy could also create an extra workload on clerical workers in keeping track of the amount of annual leave taken each month by each employee as well as checking each employee's balance against the maximum accrual allowed

on a monthly basis.

The University System policy requires written approval by the president for an employee to accumulate annual leave in excess of the amount earned within a twelve-month period. Even though a large number of employees in our sample consistently maintained an annual leave balance in excess of what they earned in a 12-month period, in the vast majority of instances no such written approval was found.

One alternative would be changing the current policy to allow for the carryover of annual leave from one calendar year to the next in a fixed amount. This type of change in current policy would result in a simplified record keeping system and facilitate the planning for usage of annual leave by employees around job requirements and workload.

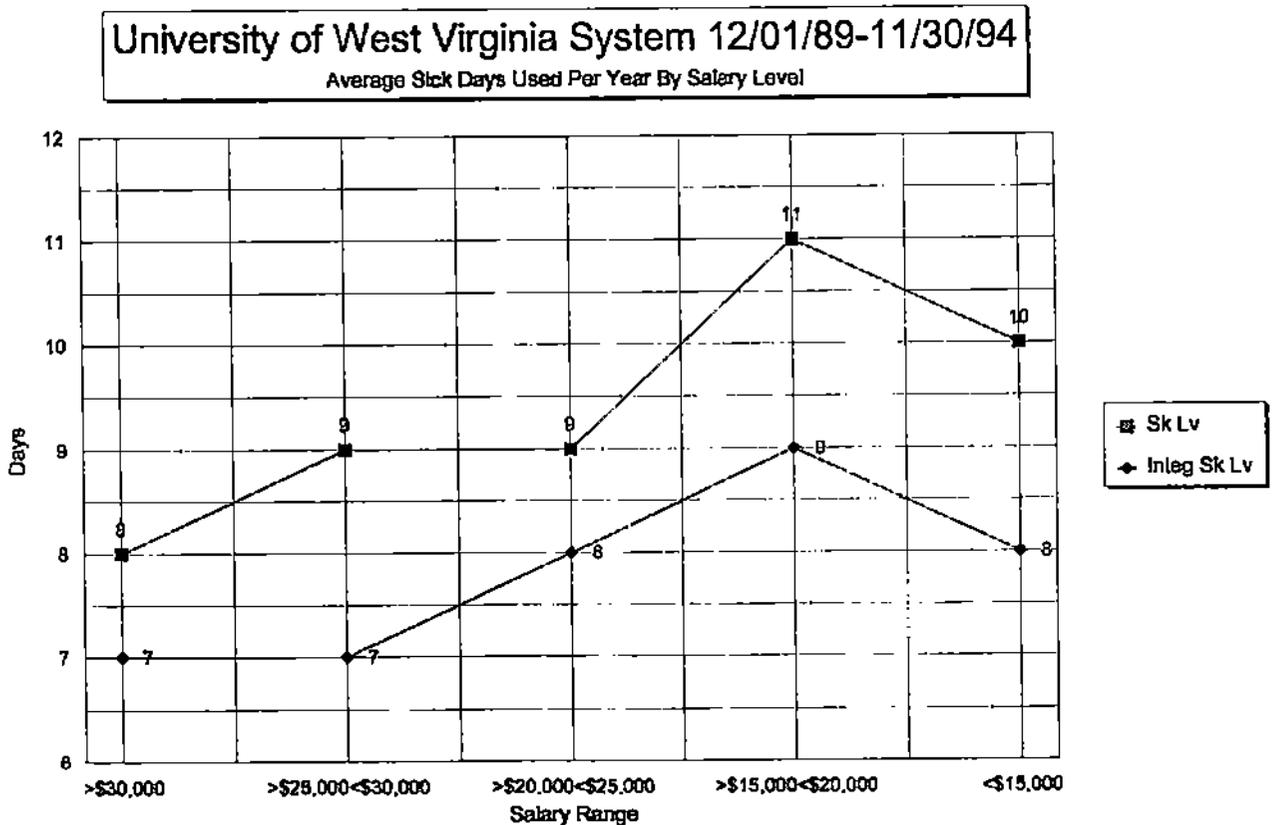
We also noted the following differences in sick leave policies between the University System and the West Virginia Division of Personnel:

	<u>University System</u>	<u>WV Div. of Personnel</u>
Family Sick Leave	Unlimited	5 days per year
3rd Party Verification of Illness	6 consecutive days	4 consecutive days
Family Misfortune	5 days per year	None

Under the University System policy, the President of the institution has the authority to grant up to five days of paid emergency leave to an employee who has suffered family misfortune but has no annual leave available. The Division of Personnel policy does not provide for paid absences from work without the use of leave. We were not able to determine the costs of the above differences.

RELATIONSHIP OF LEAVE USAGE TO EMPLOYEE COMPENSATION AND TENURE

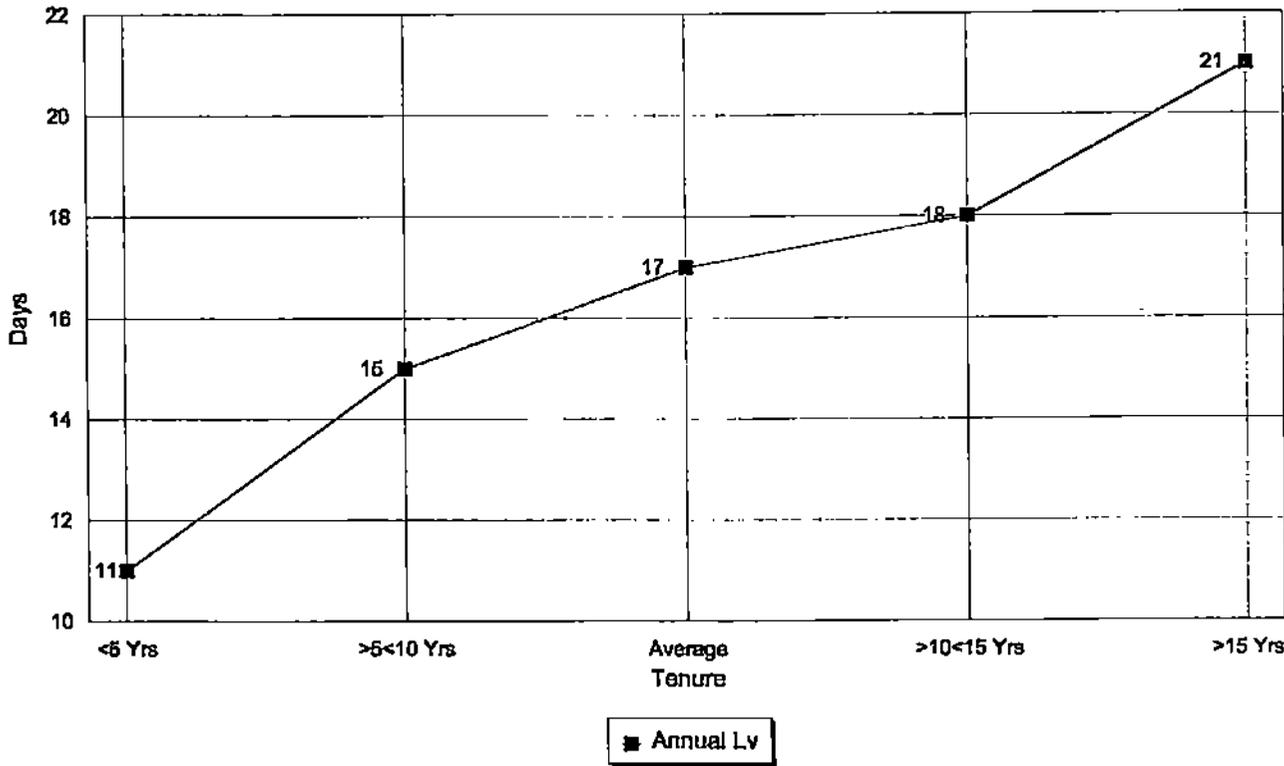
Upon stratifying the population by salary level for classified employees, we were able to determine that annual leave usage was unaffected by salary level, while salary has a direct correlation to sick leave usage. Those employees receiving the lowest pay used the highest amount of sick leave and conversely, those employees receiving the highest pay used the lowest amount of sick leave as illustrated by the following graph.



Upon stratifying the population by tenure for classified employees, we were able to identify correlations between leave usage and employee tenure. An analysis of the data indicates that while

sick leave usage is slightly related to employee tenure, it is much more closely related to employee compensation. Sick leave usage begins declining when the salary level reaches \$20,000.00 and continues to steadily decline as salary level increases regardless of tenure. Conversely, annual leave usage exhibits a direct relationship to employee tenure. Over the first several years of employment, employees tend to utilize only part of their annual leave accumulating a balance to carry forward. Once this balance nears the maximum accrual allowed, the employee tends to take the same amount of annual leave that they earn each year. The following graph illustrates this relationship between tenure and annual leave usage.

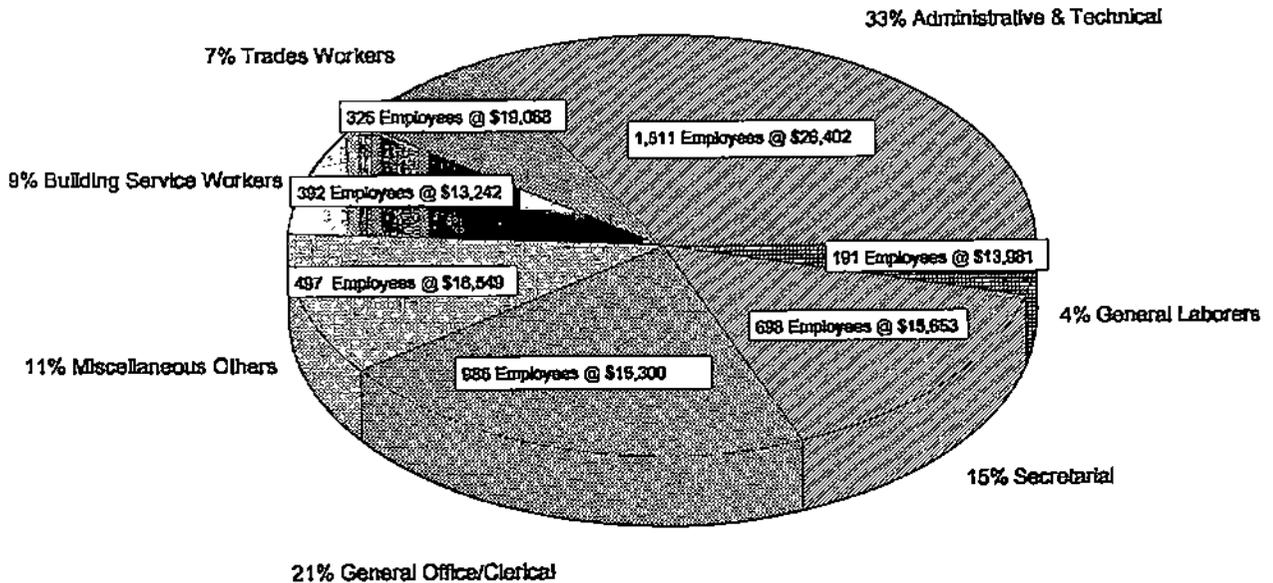
University of West Virginia System 12/01/89-11/30/94
Average Annual Days Used Per Year By Tenure



ANALYSES OF EMPLOYEE LEAVE USAGE BY JOB CATEGORY

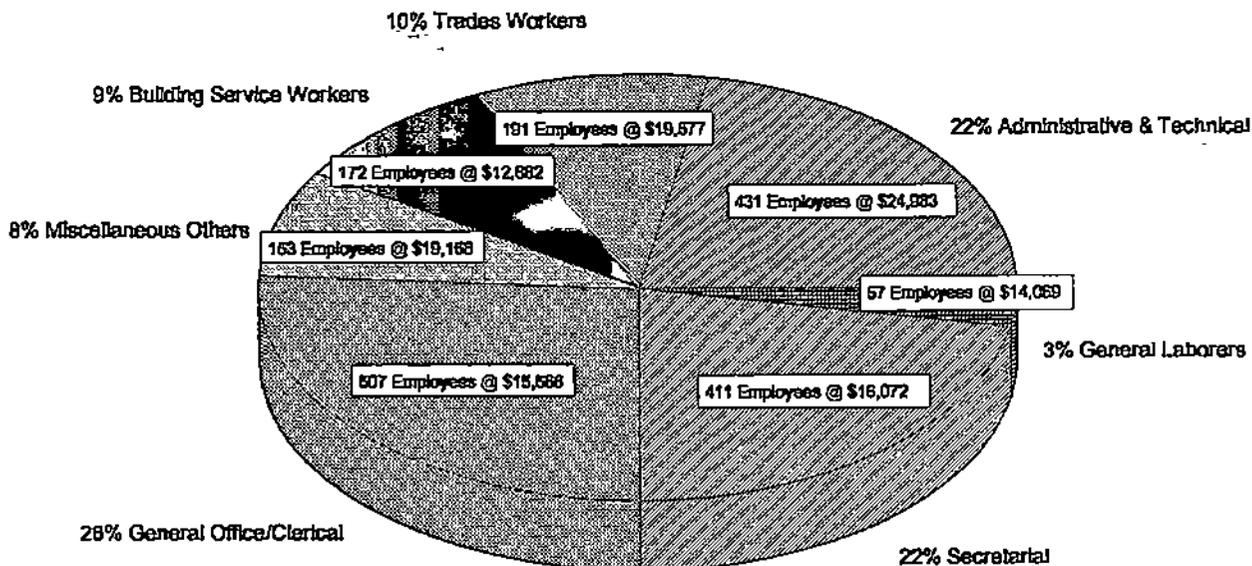
For classified employees, the average yearly combined sick and annual leave usage was 26.41 days and the average salary was \$19,388.00. Annual leave usage accounts for 16.75 of these days and the remaining 9.66 days can be attributed to sick leave usage. Using these averages as a standard, we prepared the following pie charts to compare the composition by job category of those classified employees whose sick leave usage exceeded the standard to the composition by job category of all classified employees.

University of West Virginia System 12/01/89-11/30/94
Composition of Employees by Job Category



University of West Virginia System 12/01/89-11/30/94

Composition of Employees Using Sick Leave In Excess of Average



The percentage of the whole represented by each job category on the two charts varies most significantly among administrative and technical workers and secretarial staff. Administrative and technical workers represent 33% of all classified employees but only represent 22% of those classified workers using sick leave in excess of the average. Secretarial staff represent only 15% of all classified employees but represent 22% of those classified workers using sick leave in excess of the average.

RELATIONSHIP OF LEAVE USAGE TO NUMBER OF EMPLOYEES REQUIRED

In order to keep each institution in the University System operating for 247 business days during each calendar year, our

analysis of leave usage revealed that 6,218 employees were required to perform the duties of 5,643 employees. In other words, a full-time equivalent employee of 1.10 was required for each position to compensate for leave used by employees. Of the 575 additional employees required, 408 of these additional employees can be attributed to annual leave usage and 167 additional employees can be attributed to sick leave usage. Concerning these 167 employees, 22 employees can be credited to third party documented sick leave and 145 employees to integrity sick leave. The cost associated with the 575 additional employees amounted to \$76,146,680.00 or \$15,229,336.00 per year.

Considering the high cost of the additional employees required, perhaps overtime should be considered as an option for non-exempt employees if it is not already being utilized. Based on current cost factors, use of overtime to compensate for leave usage would cost approximately \$4,500,000.00 per year as compared to a cost of approximately \$11,900,000.00 for hiring of additional employees to compensate for leave usage. This difference translates to a savings of \$7,400,000.00 per year. If training costs were to be included, cost savings would be increased by a significant amount.

ADDITIONAL ALTERNATIVES

Current policy allows for use of two categories of leave: annual leave or sick and emergency leave. Annual leave is to be used for vacation days and sick and emergency leave may be used for personal illness, family illness or death in the immediate family.

An alternative would be to provide for three categories of leave: annual leave, sick leave and emergency leave. Annual leave would require prior approval and would be primarily used for vacation days, sick leave would be used for personal illness or medical attention, and emergency leave would be used in cases of a family member being ill or requiring medical attention or when a death occurs in the immediate family. Emergency leave would require no prior approval, but would require proof of the emergency after the fact, and would be routinely charged against annual leave but could be charged to sick leave in cases where annual leave has been exhausted. This change in current policy would be beneficial to both the State and to career employees. Career employees would benefit by accumulating sick leave which can be accumulated in unlimited amounts as opposed to accumulating annual leave which must be reduced to a specified amount at the end of each calendar year. Since our analysis indicated that a significant amount of sick leave was used for purposes other than personal illness, it would be beneficial to the State in that it would reduce average total leave taken per employee each year. Total cost to the State would be reduced because the extra leave accumulated by employees would become a cost only for those employees who eventually draw State retirement.

APPENDIX A

TITLE 128
PROCEDURAL RULE
WEST VIRGINIA BOARD OF REGENTS

SERIES 35
ANNUAL LEAVE, SICK LEAVE, MILITARY LEAVE AND OTHER LEAVES

§128-35-1. General.

1.1. Scope. -- Policy regarding annual leave, military leave, leave of absence without pay, sick and emergency leave, and witness and jury leave for employees of the state system of higher education.

1.2. Authority. -- W. Va. Code §18-26-8

1.3. Filing Date. -- April 21, 1987

1.4. Effective Date. -- June 20, 1987

1.5. Repeal of former rule - Revises and replaces Policy Bulletin No. 35 effective December 24, 1985

§128-35-2. Leave entitlement.

2.1. Persons employed in the state system of higher education subsequent to January 31, 1974, shall be entitled to annual leave, military leave, leave without pay, sick and emergency leave, and witness and jury leave as hereinafter provided.

§128-35-3. Leave policy option.

3.1. Persons presently employed in the state system of higher education have the option, effective February 1, 1974, of electing to accept the leave policy hereinafter provided or of electing to retain coverage under the designated pre-existing leave policies of the Board of Governors or the State Board of Education, as the case may be. Such election shall be made by each individual on or before June 30, 1974, by giving written notice to the institution in the manner prescribed by the President of the institution. The option to elect shall pertain in full to the leave policy hereinafter defined or to the pre-existing policies. Individual elements may not be elected from among the several leave policies. An employee's election of a leave policy shall be effective from the date written notice is received by the institution from the individual.

§128-35-4. Annual leave.

4.1. It is the desire of the West Virginia Board of Regents that employees of the Board shall earn annual leave with the length of leave based on the level of position, responsibility, service and other factors.

4.2. Except as otherwise provided herein, employees of the Board of Regents shall accumulate and receive annual leave with pay as follows:

(a) Non-classified employees and Faculty with twelve-month (12) contracts shall be eligible for twenty-four (24) days leave per year, calculated at the rate of 2.00 days per month from the date of employment.

(b) Faculty on less than 12-month appointments have their holidays scheduled in accordance with the approved academic calendar and as such, do not accrue annual leave days.

(c) All other full-time, regular employees in classified positions shall be eligible for annual leave with pay on the following basis:

(1) Less than five (5) years' service: One and one-fourth (1.25) days per month;

(2) Five (5) to ten (10) years' service: One and one-half (1.50) days per month;

(3) Ten (10) to fifteen (15) years' service: One and three-fourth (1.75) days per month;

(4) Fifteen (15) or more years' service: Two (2.00) days per month.

(d) No person who is earning a higher accumulation than is authorized under this policy shall be reduced to comply with this policy. However, upon leaving the position the proper accumulation rate shall thenceforth apply.

(e) Term of service described in (c) above shall be total service and does not require continuous service to fulfill the required term.

(f) Non-faculty employees working at least one-half time (1040 hours) on a regular and continuing basis, but less than full-time, shall accumulate annual leave on a pro rata basis.

(g) Annual leave shall not be accorded emergency or short-term employees or students employed on a part-time basis.

(h) A holiday occurring during an employee's leave period shall not be considered as a day of leave.

(i) Accumulated annual leave for continuing employees may be extended beyond that earned during a period of one (1) year by written approval of the President, but in no case shall it exceed twice the amount earned in any twelve (12) month period.

(j) An employee is entitled to accumulated leave at termination of service, but in no case may this exceed the limits set in (i) above. Leave time may not be earned during a terminal leave period.

(k) Annual appointment periods of nine (9) months or more shall be credited for one (1) year of service for annual leave calculation purposes.

§128-35-5. Other conditions.

5.1. Annual leave at the request of the employee may be granted to an employee because of illness, provided all earned sick leave has been used.

5.2. Calculation of annual leave shall be based on years of service to the State of West Virginia, regardless of the location of the employee's work.

5.3. Annual leave shall be arranged to fit operating schedules. However, consideration should be given to an employee's request. Leave may not be taken before it is earned.

5.4. In the event of an employee's death, accumulated leave will be credited to the employee's heirs or estate.

5.5. Classification record. — Each Institution under the Board of Regents shall keep on file a record showing classification of each employee and current leave status.

5.6. Annual leave may be transferred from other agencies of state government to Board of Regents institutions. Any request for transfer of annual leave must be made within thirty (30) calendar days of the

time the employee commences work at the Board institution. Certification of the balance which existed in the losing state agency must follow the request for transfer and bear the signature of an officer from that agency.

§128-35-6. Military leave.

6.1. 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 thirty (30) calendar days in any one (1) calendar year ordered or authorized under provisions of state law. 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. The terms of this policy shall not apply under the provisions of any Selective Training and Service Act, or other such Act whereby the President may order into active duty the National Guard and the reserve components of the armed forces of the federal government.

§128-35-7. Leave of absence without pay.

7.1. A full-time regular employee, upon application in writing and upon written approval by the institutional President, may be granted a continuous leave of absence without pay for a period of time not to exceed one (1) year, provided, if granted because of illness, all sick and annual accumulated leave have been used.

7.2. The President, at 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.

7.3. The President, at his discretion, shall determine if the purpose for which such a leave is requested is proper and within sound administrative policy.

7.4. 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 the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution.

§128-35-8. Sick and emergency leave.

8.1. Eligibility and allowance. — All full-time employees of the Board of Regents and employees who work more than one-half time on a regular and continuing basis, shall be eligible to receive and accumulate sick leave with pay. Full-time employees shall accumulate sick leave with pay at the rate of 1.5 days for every employment month or a major fraction thereof. Part-time employees working more than one-half time shall accumulate sick leave on a pro-rata basis. Faculty on nine (9) month appointments do not accrue sick leave days. Arrangements can be made for coverage of classes or duties.

8.2. Sick leave with pay may be accumulated without limit.

8.3. Sick leave may be used by the employee when ill or injured, when a member of the immediate family is seriously ill, or when death occurs in the immediate family. For the purpose of administering this leave policy, the immediate family is defined as: The father, mother, son, daughter, brother, sister, husband or wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchildren, or others considered to be members of the household and living under the same roof.

8.4. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom shall be, for all job-related purposes, temporary disabilities and shall be treated the same as any other off-the-job illness or disability would be treated for sick leave entitlement. For this reason, employees shall be entitled to sick leave for their disabilities related to pregnancy and childbirth on the same terms and conditions as they or other employees would be entitled for other illnesses and disabilities. In determining whether an employee is unable to work because of a disability related to pregnancy or childbirth, the same criteria shall be used as would be used in the case of another type of off-the-job illness or disability.

8.5. Sick leave for more than five (5) consecutive days shall not be granted to an employee for illness without satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. An employee having an extended illness or serious injury shall, before returning to duty, obtain medical clearance to help insure adequate protection.

8.6. The institution may require evidence from an employee for verification of an illness or other causes for which leave may be granted under this policy, regardless of the duration of the leave.

8.7. In cases where all accumulated sick leave has been used and annual leave is available, it shall be the option of an employee; (1) to use any accumulated annual leave until it has also expired, rather than being removed from the payroll; or (2) to retain the accumulated annual leave for use after return to work, but be taken off the payroll immediately after the accumulated sick leave has expired.

8.8. On-the-job injuries or occupational illnesses which involve no more than three (3) days of disability leave or absence from work shall not be charged against the employee's accumulated sick leave. If on-the-job injuries or illnesses require a leave beyond the three (3) day period, the employee may have the option of either of the following: (1) Using earned and accumulated sick and annual leave until both may be exhausted and receiving any additional benefits adjudged to be due under the West Virginia Compensation Law; or (2) reserving for future use any earned and accumulated sick and annual leave and receiving only Workmen's Compensation benefits for which adjudged eligible.

8.9. An employee is required to notify his supervisor immediately if ill or unable to work for any reason. The notification shall be given to the immediate supervisor prior to the employee's normal starting time and should include the approximate length of absence. Following two (2) written warnings, failure to report off from work shall be a basis for disciplinary action, which may include suspension, demotion or discharge.

8.10. Students employed on a part-time basis through campus and federal work programs are not eligible for sick leave provisions.

8.11. Accumulated sick leave may be transferred with an employee from other agencies of West Virginia where eligibility exists for PEIB. Certification of

the balance which existed in the losing agency must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within three (3) years from the last day of employment with the other agency.

8.12. Sick leave provisions are contingent upon continued employment. When the services of an employee have terminated, all sick leave credited to the employee shall be considered ended as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave. Employees who resign in good standing and are later re-employed may have their accumulated sick leave reinstated.

8.13. Each institution shall maintain a sick leave record on each employee for computation, audit, and research purposes. Faculty will report illnesses that cause absence from classes as early as possible.

8.14. Special emergency leave with pay may be granted by the President of the institution to those regularly employed in the event of extreme misfortune to the employee or the immediate family, provided annual leave is not available. The leave should be the minimum necessary, and in no case may it exceed five (5) days within any fiscal year. Typical events which may qualify an employee for such leave are fire, flood, or other events (other than personal illness or injury, or serious illness or death in the immediate family) of a nature requiring emergency attention by the employee.

8.15. The maximum charge against sick leave will be two hundred sixty (260) work days per confinement, at which time disability retirement should be considered.

§128-35-9. Witness and jury leave.

9.1. Upon the application in writing, a permanent, probationary, provisional, or temporary employee of the Board of Regents may be granted leave as indicated hereinafter in this section. Annual leave will not be charged under the provisions of this section.

9.2. 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, or a political subdivision thereof, the employee shall be entitled to leave with pay for such duty and for such period of required absence.

9.3. 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.

9.4. When an employee serves upon a jury, or is subpoenaed in litigation, the employee shall be entitled to leave with pay for such duty and for such period of required absence.

SPECIAL NOTE: This section of the policy is effective as of enactment on February 3, 1976.

§128-35-10. Leave records to be maintained by each institution.

10.1. A complete leave record and file shall be maintained by each college and university for each employee. This record shall disclose at all times accrued leave, as well as leave that has been used. The leave record and file for persons employed prior to February 1, 1974, shall include the signed statement of the employee, giving notice of the leave policy elected by the individual.

POLICY BULLETIN 35

ANNUAL LEAVE, SICK LEAVE, MILITARY LEAVE AND OTHER LEAVE

Policy regarding annual leave (AL), military leave (ML), leave of absence with pay (L W/OP), sick and emergency leave (SL & EL) and witness and jury leave (WL & JL) for employees of the State System of higher education.

LEAVE ENTITLEMENT -

Persons employed in State System subsequent to January 31, 1974, shall be entitled to AL, ML, L W/OP, SL, EL, WL, & JL as hereinafter provided.

LEAVE POLICY OPTION -

Persons presently employed have the option, effective February 1, 1974, to accept this leave policy or to retain current one.

ANNUAL LEAVE -

1. Employees of the Board of Regents shall earn AL, with the length of leave based on the level of position, responsibility, service, and other factors.

2. With the following, they shall accumulate and receive AL.

2-1. Non-classified employees and faculty with twelve month contracts shall be eligible for twenty four days leave per year (2 days a month)

2-2. Faculty on less than twelve month appointments don't accrue AL days (They do have holidays off)

2-3. All other full-time, regular employees shall be eligible for AL as follows; less than five years service = 1.25 days per month, 5-10 years = 1.5 days per month, 10-15 = 1.75 days per month, 15+ years = 2.00 days per month. *No person who is earning a higher accumulation than is authorized under this shall be reduced to comply. Non-faculty employees working at least one-half time, but less than full-time, shall accumulate AL on a pro-rate basis. AL shall not be accorded emergency or short-term employees or students employed on a

part-time basis. A holiday occurring during an employee's leave will not be counted as a day of leave.

MILITARY LEAVE -

Any employee who is in the Guard or reserves shall be entitled to 30 days of leave a year without loss of pay, status, or efficiency rating.

LEAVE OF ABSENCE WITHOUT PAY -

A full-time employee may be granted a continuous L W/OP for a period of time not to exceed one year.

SICK AND EMERGENCY LEAVE -

All full-time employees who work more than one-half time on a regular and continuing basis, shall be eligible to receive and accumulate SL with pay. SL may be accumulated without limit. SL may be transferred with an employee from other agencies of West Virginia where eligibility exists for PEIB.

WITNESS AND JURY LEAVE -

Upon the application in writing, a permanent, probationary, provisional, or temporary employee may be granted leave with pay for being a witness or jury member.

LEAVE RECORDS TO BE MAINTAINED BY EACH INSTITUTION -

A complete leave record and file shall be maintained by each college and university for each employee.

STATE OF WEST VIRGINIA

OFFICE OF LEGISLATIVE AUDITOR, TO WIT:

I, Thedford L. Shanklin, CPA, Director of the Legislative Post Audit Division, do hereby certify that the report appended hereto was made under my direction and supervision, under the provisions of the West Virginia Code, Chapter 4, Article 2, as amended and that the same is a true and correct copy of said report.

Given under my hand this 13th day of November,
1995.

Thedford L. Shanklin

Thedford L. Shanklin, CPA, Director
Legislative Post Audit Division

Copy forwarded to the Secretary of the Department of Administration to be filed as a public record. Copies forwarded to each member of the Board of Trustees of the University of West Virginia System; Chancellor of the Univeristy of West Virginia System; Governor; Attorney General; and, State Auditor.