

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION

WEST VIRGINIA STATE COLLEGE SYSTEM

DECEMBER 1, 1989 - NOVEMBER 30, 1994

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WEST VIRGINIA STATE COLLEGE SYSTEM
EXIT CONFERENCE

We held an exit conference on October 13, 1995 with the Chancellor of the Board of Directors of the West Virginia State College System and several members of his staff and all findings were reviewed and discussed. Due to scheduling difficulties experienced by the Chancellor, his responses to the report will be submitted at a later date.

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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 to govern the University System and the Board of Directors (Board) to govern the State College System. Chapter 18B, Article 3, Section 1 of the West Virginia Code established the Board of Directors for the State College System. The Board consists of twenty members, six of whom are ex-officio members with the remaining fourteen 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. Clifford M. Trump of Charleston, West Virginia is serving in the capacity of Chancellor of the State College System.

State College 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 West Virginia State College System is comprised of the ten institutions listed below:

Bluefield State College
Bluefield, WV

Concord College
Athens, WV

Fairmont State College
Fairmont, WV

Glenville State College
Glenville, WV

Shepherd College
Shepherdstown, WV

Southern West Virginia Community College
Logan, WV

West Liberty State College
West Liberty, WV

West Virginia Institute of Technology
Montgomery, WV

West Virginia Northern Community College
Wheeling, WV

West Virginia State College
Institute, WV

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION

WEST VIRGINIA STATE COLLEGE SYSTEM

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JUNE 15, 1995

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Vacancy

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Dr. Charles Manning
Chancellor, University System of West Virginia Charleston

Dr. Henry Marockie
State Superintendent of Schools Charleston

WEST VIRGINIA LEGISLATURE
Joint Committee on Government and Finance



Theodore L. Shanklin, CPA, Director
Legislative Post Audit Division
Building 5, Room 751A
Capitol Complex

Area Code (304)
Phone: 347-4880
Fax: 347-4889

CHARLESTON, WEST VIRGINIA 25305

The Joint Committee on Government and Finance:

The purpose of this study was to determine the impact of State College System Rule Number 35 on employee leave usage. 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 accrual of annual leave.

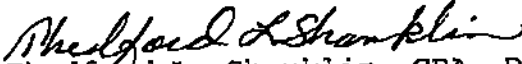
Information concerning employee leave usage for the period December 1, 1989 through November 30, 1994 was obtained by visiting each institution in the State College System, reviewing institutional records and interviewing the appropriate college personnel. A random sample of employees was selected based on the total number of employees accruing leave at each institution as of November 30, 1994. In an effort to ensure the leave usage patterns of the employees included in the sample were representative of the average leave usage pattern of all employees, we included over 35 percent (35%) of the employees accruing leave in the State College System.

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 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 the distortion of the averages by a relatively small group of employees. 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 less than nine percent (9%) of the total number of employees earning leave and differ greatly in salary and leave usage from classified employees who account for the remaining ninety-one percent (91%) of the total, we concentrated our analyses on those classified employees.

Sincerely yours,


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

June 15, 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

WEST VIRGINIA STATE COLLEGE SYSTEM

SUMMARY OF FINDINGS

TOTAL COST OF LEAVE USAGE AMOUNTED TO \$19,318,143

1. For the study period, the cost of sick and annual leave usage was \$19,318,143.00 or \$3,863,629.00 per year. The average yearly leave usage for employees in our sample was 25.73 days. The cost of leave usage of those employees using leave below the average totaled \$11,204,523.00, while the cost of leave usage of those employees using leave in excess of the average totaled \$8,113,620.00. Annual leave usage accounts for \$13,020,468.00 or \$2,604,094.00 per year. Sick leave usage accounts for \$6,297,675.00 or \$1,259,535.00 per year, \$5,485,917.00 of which relates to integrity sick leave and \$811,758.00 relates to third party documented sick leave. Costs are based on salary and benefits. (See pages 11-13)

COMPARISON OF LEAVE POLICIES

2. The total cost associated with annual leave per year to the West Virginia State College System during the study period amounted to \$406,491.00 more under the Higher Education leave policy than it would have under the Division of Personnel leave policy. The State College System policy resulted in an additional cost to the State of \$81,824.00 per year as it pertains to accrual of annual leave for non-classified staff and twelve-month faculty, plus an additional cost of

\$324,667.00 per year as it pertains to carryover of annual leave. (See pages 13-16)

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. (See pages 16-18)

ANALYSES OF EMPLOYEE LEAVE USAGE BY JOB CATEGORY

4. For classified employees, the average yearly leave usage was 26.21 days and the average salary was \$18,409.00. For non-classified staff and twelve-month faculty, the average yearly leave usage was 20.36 days and the average salary was \$45,446.00. (See pages 18-20)

RELATIONSHIP OF LEAVE USAGE TO NUMBER OF EMPLOYEES REQUIRED

5. Our analysis revealed that a full-time equivalent employee of 1.11 was required for each position to compensate for leave used by employees. This translates to an additional 167 employees at a cost of \$3,863,629.00 per year based on average salary plus benefits. (See pages 21 and 22)

STUDY OF EMPLOYEE LEAVE USAGE IN HIGHER EDUCATION

WEST VIRGINIA STATE COLLEGE SYSTEM

GENERAL REMARKS

TOTAL COST OF LEAVE USAGE AMOUNTED TO \$19,318,143

State College 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 colleges 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>\$13,020,468</u>	<u>\$6,297,675</u>	<u>\$19,318,143</u>	<u>\$2,604,094</u>	<u>\$1,259,535</u>	<u>\$3,863,629</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>\$5,485,917</u>	<u>\$811,758</u>	<u>\$6,297,675</u>	<u>\$1,097,183</u>	<u>\$162,352</u>	<u>\$1,259,535</u>

The average yearly leave usage for employees in our sample was 25.73 days. The cost of leave usage of those employees using leave below the average totaled \$11,204,523.00, while the cost of leave usage of those employees using leave in excess of the average totaled \$8,113,620.00. 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 West Virginia State College 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 West Virginia State College 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>		<u>Additional Days Accrued Under Higher Ed Policy</u>	<u>Cost</u>
	<u>WV State College System</u>	<u>WV Div of Personnel</u>		
>2< 5 Years	30	30	-0-	\$ -0-
>5< 10 Years	36	30	284.44	22,471
>10< 15 Years	42	35	303.63	27,327
>15 Years	48	40	806.70	<u>90,350</u>
Cost Per Year				<u>\$140,148</u>

NON-CLASSIFIED STAFF & 12-MONTH FACULTY

<u>Tenure</u>	<u>Carryover in Days</u>		<u>Additional Days Accrued Under Higher Ed Policy</u>	<u>Cost</u>
	<u>WV State College System</u>	<u>WV Div of Personnel</u>		
<5 Years	48	30	152.00	\$ 33,288
>5< 10 Years	48	30	345.22	81,817
>10< 15 Years	48	35	-0-	-0-
>15 Years	48	40	295.38	<u>69,414</u>
Cost Per Year				<u>\$184,519</u>
Total Cost Per Year				<u>\$324,667</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 \$184,519.00 total cost shown in the table above, \$83,259.00 can be attributed to this policy. The table below shows the annual costs to the colleges 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>WV State College System</u>	<u>WV Div of Personnel</u>		
<5 Years	24	15	140.92	\$30,721
>5< 10 Years	24	18	196.55	51,103
>10< 15 Years	24	21	-0-	-0-
>15 Years	24	24	-0-	-0-
Total Per Year				<u>\$81,824</u>

The total cost per year to the West Virginia State College System during the study period amounted to \$406,491.00; 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 \$1,057,144.00.

Patterns of annual leave usage by those employees included in the sample clearly illustrates the effect of the State College 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 State College 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 West Virginia State College System and the West Virginia Division of Personnel:

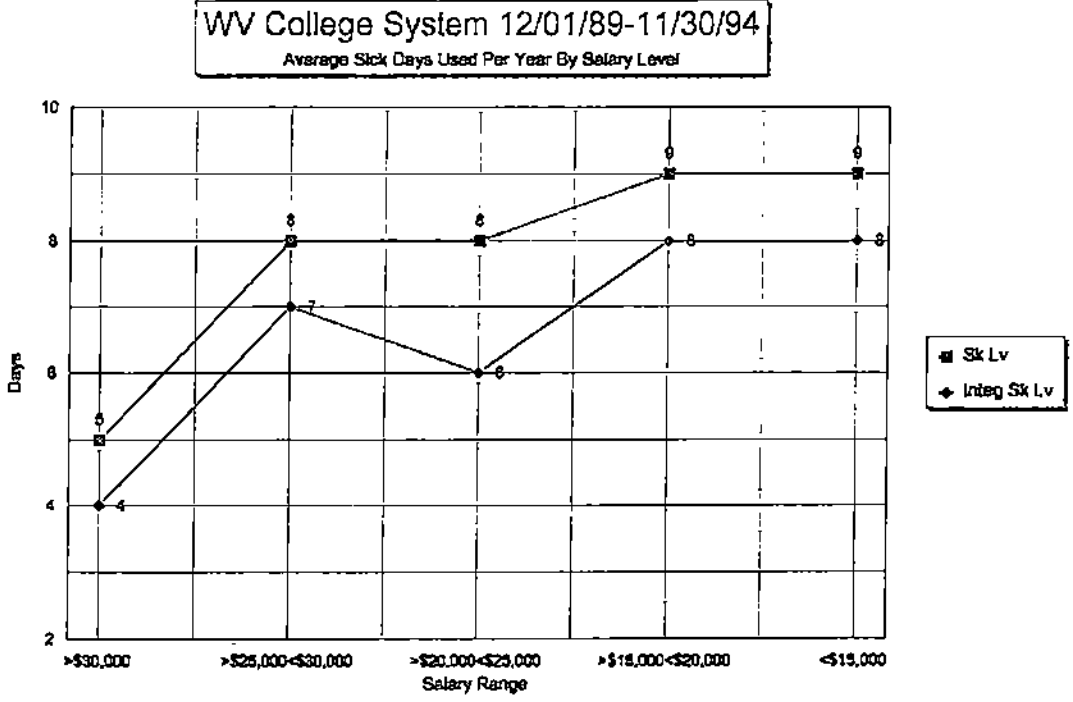
	<u>WV State College System</u>	<u>WV Div. of Personnel</u>
Family Sick Leave	Unlimited	5 days per year
3rd Party Verification of Illness	6 consecutive days	4 consecutive days
Family Misfortune	5 days per year	None

We were not able to determine the costs of the above differences.

RELATIONSHIP OF LEAVE USAGE TO EMPLOYEE COMPENSATION AND TENURE

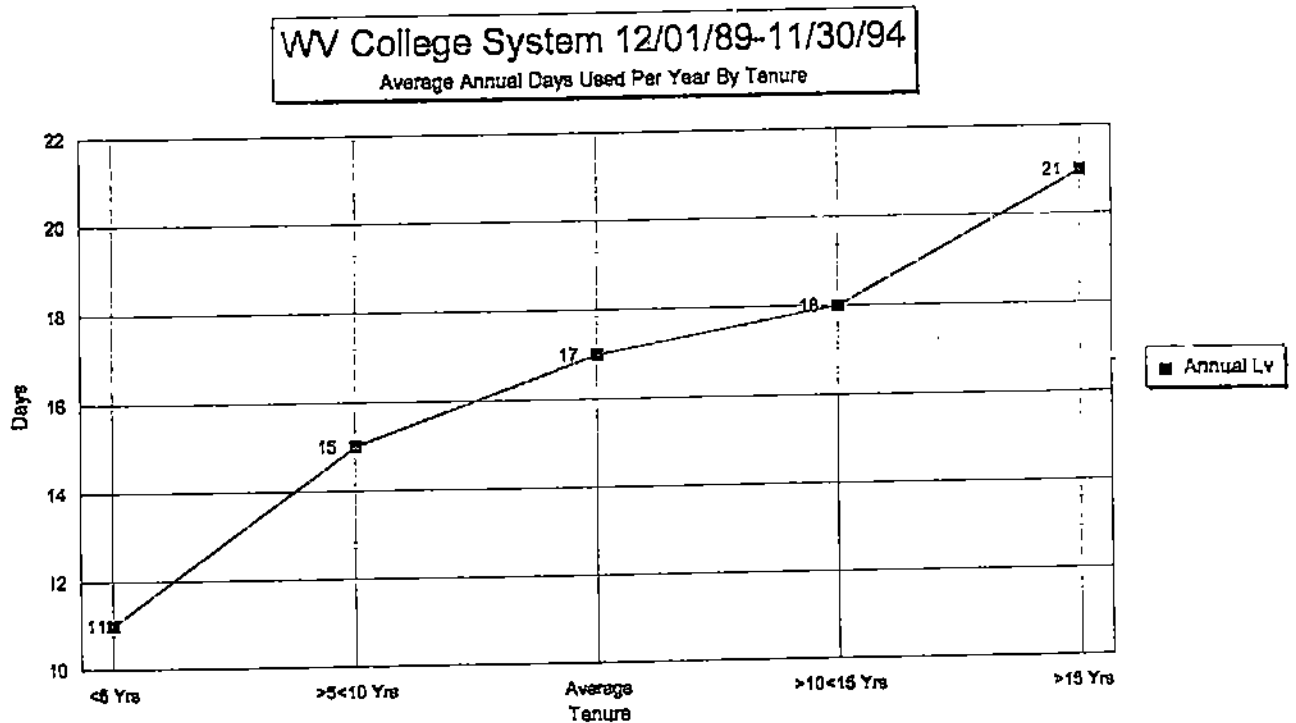
Upon stratifying the population by salary level for classified employees, we were able to determine that annual leave usage was unaffected by salary level, while salary has a direct correlation to sick leave usage. Those employees receiving the

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.

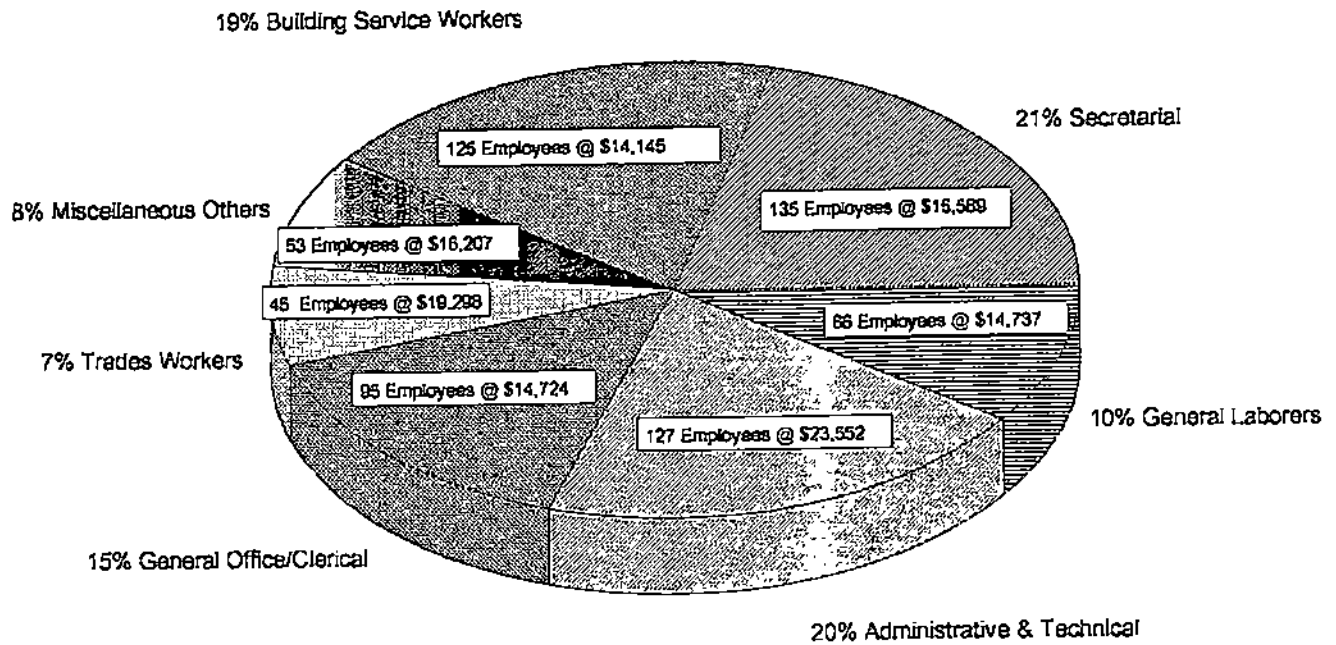


ANALYSES OF EMPLOYEE LEAVE USAGE BY JOB CATEGORY

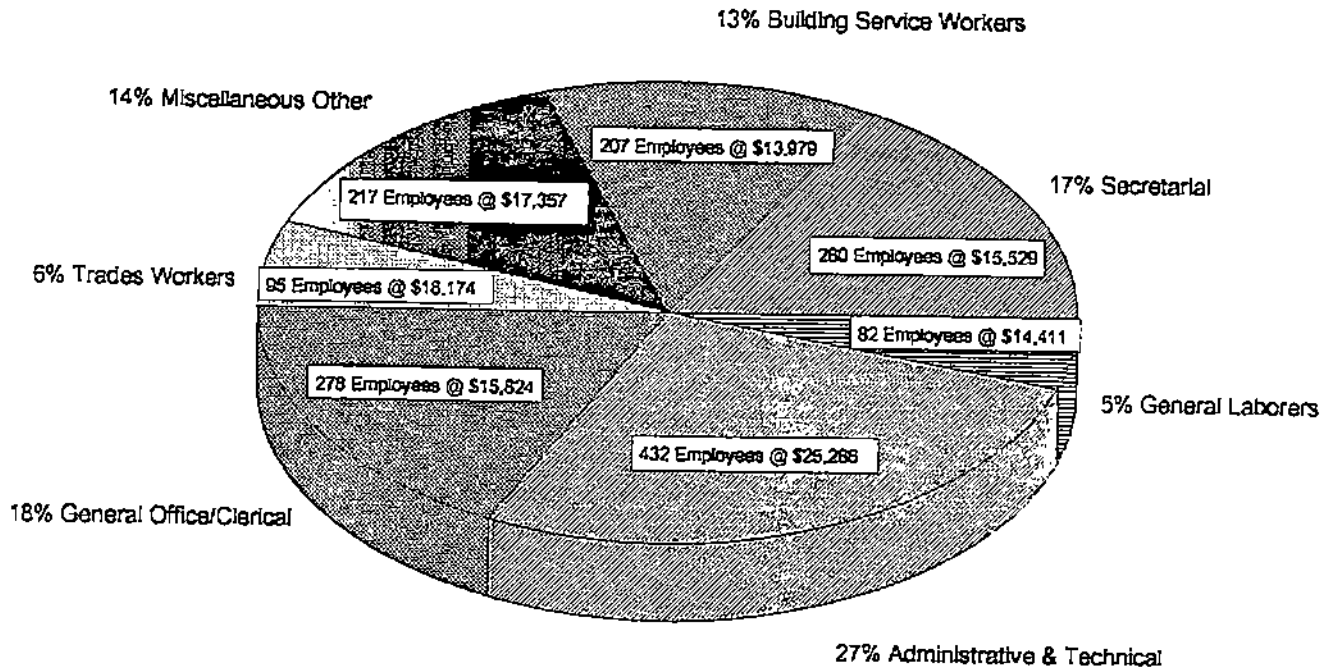
For classified employees, the average yearly combined sick and annual leave usage was 26.21 days and the average salary was \$18,409.00. Annual leave usage accounts for 16.89 of these days and the remaining 9.32 days can be attributed to sick leave usage. Using these averages as a standard, we prepared 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.

WV College System 12/01/89-11/30/94
Composition of Employees Using Sick Leave in Excess of Average



WV College System 12/01/89-11/30/94
 Composition of Classified Employees By Job Category



The percentage of the whole represented by each job category on the two charts varies most significantly among administrative and technical workers and general laborers. Administrative and technical workers represent 27% of all classified employees but only represents 20% of those classified workers using sick leave in excess of the average. General laborers represent only 5% of all classified employees but represent 10% 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 State College System operating for 247 business days during each calendar year, our analysis of leave usage revealed that 1,722 employees were required to perform the duties of 1,555 employees. In other words, a full-time equivalent employee of 1.11 was required for each position to compensate for leave used by employees. Of the 167 additional employees required, 110 of these additional employees can be attributed to annual leave usage and 57 additional employees can be attributed to sick leave usage. Concerning these 57 employees, seven (7) employees can be credited to third party documented sick leave and 50 employees to integrity sick leave. The cost associated with the 167 additional employees amounted to \$19,318,143.00 or \$3,863,629.00 per year.

Considering the high cost of the additional employees required, perhaps overtime should be considered as an option if it is not already being utilized. Based on current cost factors, use of overtime to compensate for leave usage would cost approximately \$1,400,000.00 per year as compared to a cost of approximately \$3,300,000.00 for hiring of additional employees to compensate for leave usage. This difference translates to a savings of \$1,900,000.00 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 131
PROCEDURAL RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 35

TITLE: EMPLOYEE LEAVE

SECTION 1. GENERAL

- 1.1 Scope - Rule regarding annual leave, military leave, leave of absence without pay, sick leave, special emergency leave, catastrophic leave, parental leave, and witness and jury leave for employees of the State College System of West Virginia.
- 1.2 Authority - West Virginia Code § 18B-1-6
- 1.3 Filing Date - October 20, 1992
- 1.4 Effective Date - November 19, 1992
- 1.5 Repeal of Former Rule - Revises and replaces Series 35 effective June 20, 1987.

SECTION 2. GENERAL LEAVE COVERAGE

- 2.1 Eligibility for annual and sick leave shall be based on the following:
 - 2.1.1 Employees working on a regular and continuing basis for no less than 1950 hours within a twelve (12) consecutive month period are considered to be full-time employees and are eligible for leave as specified in this document.
 - 2.1.2 Employees working between 1,040 hours and less than 1,950 on a regular and continuing basis during a twelve (12) consecutive month period shall accumulate leave on a pro rata basis.
 - 2.1.3 Employees working less than 1,040 hours are not eligible for leave benefits.

- 2.2 Faculty members on twelve-month appointments are defined as full-time employees and accrue leave according to the appropriate sections of this rule. The provisions of this rule related to annual leave, sick leave, catastrophic leave, special emergency leave, and managing work time in areas affected by interruption to utility or similar situations do not apply to faculty members on annual appointments of less than twelve months.
- 2.3 Annual and sick leave may not be taken before it is accrued. If an employee works less than a full month, annual and sick leave shall be accumulated on a pro rata basis.
- 2.4 During a terminal leave period, no type of leave may be accrued. Terminal leave is the period following the last day of scheduled work from employment such as resignation, retirement, etc.
- 2.5 Length of service shall be total years of service which includes experience with state institutions of higher education and other state agencies. Continuous service is not required to complete the required term. Annual appointment periods of nine (9) months or more shall be credited for one (1) year of service for annual leave calculation purposes.
- 2.6 A recognized institutional holiday occurring during an employee's leave period shall not be considered as a day of leave, provided the employee is not in a terminal leave period.
- 2.7 Up to fifteen (15) days of annual leave may be transferred from other agencies of state government and state higher education institutions to State College System institutions. Certification of the balance which existed in the agency or institution from which the employee is transferring must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one (1) year from the last day of employment with the other agency or institution.
- 2.8 When an employee transfers from other agencies of state government or from other state institutions of higher education to an institution in the State College System, 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 (1) year of the date of employment with the institution in the State College System.
- 2.9 An employee is required to notify his/her supervisor immediately if ill or unable to work for any reason and to follow the institution's established

procedures for absences from work. The notification shall be given to the immediate supervisor or designee, as determined by established procedures of the institution.

- 2.10 Employees on leave of absence without pay shall not accrue annual or sick leave or years of service credit for any and all full months in which they are off the payroll.
- 2.11 Each institution in the State College System shall keep on file a record showing current leave status of each employee.

SECTION 3. ANNUAL LEAVE

- 3.1 Full-time non-classified employees and faculty with twelve-month appointments shall be eligible for up to twenty-four (24) days leave per year calculated at the rate of 2.00 days per month from the date of employment. However, upon leaving a non-classified position, the accumulation rates outlined in Section 3.2 shall apply.
- 3.2 Employees occupying full-time classified positions shall be eligible for annual leave on the following basis:
 - 3.2.1 Less than 5 years' service: 1.25 days per month;
 - 3.2.2 5 but less than 10 years' service: 1.50 days per month;
 - 3.2.3 10 but less than 15 years' service: 1.75 days per month;
 - 3.2.4 15 or more years' service: 2.00 days per month.
- 3.3 Employees working at least 1,040 hours per twelve (12) consecutive months on a regular and continuing basis, but less than 1,950 hours shall accumulate annual leave on a pro rata basis.
- 3.4 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 or his/her designee, but in no case shall it exceed twice the amount earned in any twelve-month period.
- 3.5 An employee is entitled to accumulated leave at termination of service, but in no case may this exceed the limits set in 3.4 above.

SECTION 4. OTHER CONDITIONS FOR ANNUAL LEAVE

- 4.1 At the request of the employee through established procedures, annual leave may be granted because of illness.
- 4.2 The work requirements of the institution shall take priority over the scheduling of annual leave or other leave for an employee. When operationally possible, the supervisor shall grant earned annual leave at the convenience of the employee. However, departmental needs must be met, and annual leave may not be taken without prior request and approval of the employee's supervisor.
- 4.3 In the event of an employee's death, the value of accumulated annual leave will be paid to the employee's estate.

SECTION 5. SICK AND EMERGENCY LEAVE

- 5.1 Full-time employees shall accumulate sick leave at the rate of 1.5 days per month. All other employees shall accumulate sick leave in accordance with Section 2.1 of this rule.
- 5.2 Sick leave may be accumulated without limit.
- 5.3 Sick leave may be used by the employee when ill or injured or when in need of medical attention or when death occurs in the immediate family.
- 5.4 An employee may use sick leave for a member of the immediate family who is ill, injured, or in need of medical attention. Immediate family 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.
- 5.5 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 satisfactory medical clearance to help ensure adequate protection and shall indicate the employee's ability to perform his/her duties. Such medical clearance shall be presented in writing.

- 5.6 The institution may require evidence from an employee for verification of an illness or other causes for which leave may be granted under this rule, regardless of the duration of the leave.
- 5.7 In cases, except those involving catastrophic sick leave as defined in Section 8.1, where all accumulated sick leave has been used and annual leave is available, it shall be the option of an employee either to use any accumulated annual leave until it has also expired, rather than being removed from the payroll, or 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.
- 5.8 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 as long as they are the next three (3) consecutive working days after injury or illness occurred. If on-the-job injuries or illnesses require a leave beyond the three-day period, it shall be the option of the employee either to use earned and accumulated sick and annual leave until both may be exhausted or to reserve for future use any earned and accumulated sick and annual leave and receive only Workers' Compensation benefits for which adjudged eligible.
- 5.9 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 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 illness or disability.
- 5.10 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 cancelled as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave except in the event of retirement, in which case sick leave may be converted to insurance coverage or for provisions lawfully provided for at that time. 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 (1) year or less from the date of reemployment. However, if the employee returns to work after more than one (1) year from

the date of termination, no more than 30 days of accumulated sick leave may be reinstated.

SECTION 6. MEDICAL LEAVE OF ABSENCE WITHOUT PAY

- 6.1 Any employee requesting a medical leave of absence without pay must provide the institutional president or the president's designee, through established procedures, with satisfactory medical evidence (such as a statement from the attending physician) that he/she is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the president or his/her designee may authorize a medical leave of absence without pay only for the period of disability specified by the attending physician.
- 6.2 The employee shall be expected to report to work on the first workday following expiration of the disability period. Failure of the employee to report promptly at the expiration of a medical leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution. An employee, prior to return to duty, shall obtain satisfactory medical clearance to help ensure adequate protection and which shall indicate the employee's ability to perform his/her duties. Such medical clearance shall be presented in writing.
- 6.3 A medical leave of absence without pay may be granted for no more than a twelve (12) consecutive month period. Employees who may need an extended medical leave beyond twelve (12) consecutive months may apply for an extension through institutional procedures or may consider other options, such as disability.
- 6.4 After an employee has taken a twelve-month medical leave, the institution shall continue group health insurance coverage provided that the employee pays the institution the full premium cost of such group health plan.
- 6.5 Any employee who is separated from employment following a medical leave of absence of twelve (12) consecutive months and who had chosen to maintain his/her accumulated annual leave will receive payment for such accumulated annual leave in a lump sum payment.

SECTION 7. PARENTAL LEAVE

- 7.1 A full-time employee who has worked at least twelve (12) consecutive weeks for the state may request up to twelve (12) weeks unpaid parental leave.
- 7.2 The request must be due to birth or adoption 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.
- 7.3 The employee must provide his/her supervisor with written notice two (2) weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. Failure to submit a written request may be cause for denial.
- 7.4 The employee must provide the employer with certification by the treating physician and/or documentation regarding dependency status.
- 7.5 All annual leave must be exhausted before the parental leave begins. No more than a total of twelve (12) weeks of parental leave may be taken in any twelve (12) consecutive month period.
- 7.6 During the parental leave by an employee, the institution shall continue group health insurance coverage provided that the employee pays the employer the full premium cost of such group health plan.
- 7.7 The position held by the employee immediately before the leave is commenced shall be held for a period not to exceed the twelve-week period of the parental leave and the employee shall be returned to that position. However, the institution may employ a temporary employee to fill the position for the period of the parental leave.

SECTION 8. CATASTROPHIC LEAVE

- 8.1 Catastrophic leave is provided for employees and a catastrophic illness is defined as: a medically verified illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all leave and other paid time off. Catastrophic illness or injury shall also include an incapacitated immediate family member if this results in the 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.

- 8.2 Each institutional president and the senior administrator of the Central Office will have the option to establish a leave bank and/or a procedure 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. The institution may develop procedures which limit the amount of deposits an employee may make in any twelve (12) continuous month period.
- 8.3 A catastrophic leave bank provides for the deposit of sick and annual leave into a "bank" from which employees approved for catastrophic leave may withdraw leave.
- 8.4 A direct transfer provides for sick and annual leave to be donated at the request of the employee upon appropriate medical verification that the individual is unable to work due to the catastrophic illness or injury as determined by the president of the institution or senior administrator of the Central Office.
- 8.4.1 Upon approval for an employee to receive direct transfer of catastrophic leave, any employee may, upon written notice to the human resources department, donate sick and/or annual leave in one-day increments. No employee shall be compelled to donate sick leave. Any leave donated by an employee, but not used by the employee to whom it was donated, shall be returned to the donating employee and reflected in his/her leave balance.
- 8.5 An employee receiving the transfer of leave shall have any time which is donated credited to such employee's leave record in one-day increments and reflected as a day-for-day addition to the leave balance of the receiving employee. The leave record of the donating employee shall have the donated leave reflected as a day-for-day reduction of the leave balance.
- 8.6 Use of donated credits may not exceed a maximum of twelve (12) continuous calendar months for any one catastrophic illness or injury. The total amount of leave received by transfer or withdrawn from a bank may not exceed an amount sufficient to ensure the continuance of regular compensation and shall not be used to extend insurance coverage pursuant to Section 13, Article 16, Chapter 5 of the Code, which relates to insurance coverage for state employees. The employee receiving donations of leave shall use any leave personally accrued on a monthly basis prior to receiving additional donated leave.
- 8.7 Direct transfer of leave or deposits into a leave bank may be inter-institutional. The president or his/her designee shall notify in writing other

institutional presidents requesting that the institution consider the transfer of leave by either the direct transfer method or from the institution's leave bank. Upon approval of the receiving president, transfer leave will be made through appropriate institutional procedures.

- 8.8 Each institution and the Central Office shall be responsible for the administration of catastrophic leave and shall develop and disseminate procedures for the administration of this policy.

SECTION 9. PERSONAL LEAVE OF ABSENCE WITHOUT PAY

- 9.1 An employee, upon application in writing and upon written approval by the institutional president or his/her designee, may be granted a continuous leave of absence without pay for a period of time not to exceed twelve (12) consecutive months provided all accrued annual leave has been exhausted.
- 9.2 The president or the president's designee, at his/her discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay.
- 9.3 The president or the president's designee, at his/her discretion, shall determine if the purpose for which such a leave is requested is proper and within sound administrative policy.
- 9.4 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.
- 9.5 During a personal leave, the institution shall continue group health insurance coverage provided that the employee pays the employer the full premium costs of such group health plan.

SECTION 10. MILITARY LEAVE

- 10.1 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) working days ordered or authorized under provisions of state law in any one (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 increased, 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.

- 10.2 Benefits of this section shall accrue to individuals ordered or called to active duty by the President of the United States for thirty (30) working days after they report for active service.

SECTION 11. SPECIAL EMERGENCY LEAVE WITH PAY

- 11.1 Special emergency leave with pay may be granted by the president of the institution or his/her designee to full-time employees in the event of extreme misfortune to the employee or the immediate family. The leave should be the minimum necessary, and in no case may it exceed five (5) days within any twelve (12) consecutive month period. 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.

SECTION 12. WITNESS AND JURY LEAVE

- 12.1 Upon application in writing, an employee of the State College System may be granted leave as indicated hereinafter in this section provided the employee is not a party to the action. Annual leave will not be charged under the provisions of this section.
- 12.2 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.

- 12.3 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.
- 12.4 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.
- 12.5 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 institutional policy.

SECTION 13. MANAGING WORK TIME IN AREAS AFFECTED BY INTERRUPTION TO UTILITY SERVICE OR SIMILAR SITUATIONS

- 13.1 Utility Service Interruptions - When extended power and utility service interruptions occur, administrators should make arrangements for employees' usual work routine to be accomplished at alternate work locations, or make affected employees available to other administrators for work in other areas. Also, if an administrator deems it advisable and the employee agrees, time off during the utility service interruption may be granted and charged against an employee's accumulated annual leave. Combinations of the above alternatives may be necessary, but in all cases interruptions of work schedules must be dealt with in accordance with applicable laws, including West Virginia Code 12-3-13. This law is interpreted to mean that if pay is associated with the absence from work, the absence must be charged to accumulated annual leave.
- 13.2 Emergency Situations - In the event that an emergency exists, the president, in conjunction with local or state public safety officials, has the authority to comply with the emergency situation and close the institution. Such a declaration will be transmitted to the chancellor of the State College System. The president, working with public safety officials, will determine when the emergency condition no longer exists. Should an employee be required to work by the president or his/her designee during a declared emergency, the time worked shall be compensated according to the provisions of Series 62. Work time lost by any employee during a declared emergency will be considered regular work time for pay purposes and will not require that the time be charged to annual leave nor will there be a requirement that the time be made up.
- 13.3 Absences from work due to weather conditions other than during a declared emergency must be charged against accumulated annual leave, accumulated

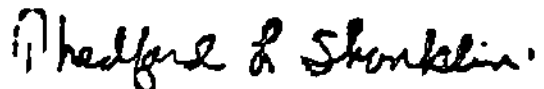
compensatory time, or the employee must be removed from the payroll for the time in question. Where institutions employ the "floating holiday" concept, the holiday record may be charged. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.

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 15th day of October,
1995.



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 Directors of the West Virginia State College System; Chancellor of the West Virginia State College System; Governor; Attorney General; and, State Auditor.