

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE  
BOARD OF GOVERNORS  
SCP-2006**

**SUBJECT:** Employee Leave

**REFERENCE:** West Virginia Council for Community and Technical College Education, Title 135, Procedural Rule, Series 38, *Employee Leave*; West Virginia Code §18B-1-6; West Virginia Code §18B-2A-4; West Virginia Code §18B-9-10 (Catastrophic Leave); West Virginia Code §15-5-15a (Disaster Service Volunteer Leave); West Virginia Code §21-5D (The Parental Leave Act); The Family and Medical Leave Act of 1993 (Public Law 103-3 Enacted February 5, 1993 and Amended January 28, 2008); and SCP-1435.B, *Essential Employee Guidelines*

**ORIGINATION:** November 16, 2009

**EFFECTIVE:** July 24, 2015

**REVIEWED:** November 5, 2014

**SECTION 1. PURPOSE**

1.1 The purpose of this policy is to establish an institutional rule in regard to all types of employee leave.

**SECTION 2. SCOPE AND APPLICABILITY**

- 2.1 This policy is applicable to all employees of Southern West Virginia Community and Technical College (College). Particular types of leave programs may be applicable to specific categories of employees, and not others.
- 2.1.1 All full-time employees (classified, non-classified, and faculty) are eligible for medical leave of absence without pay, parental leave, family medical leave, personal leave of absence without pay, military leave, special emergency leave with pay, disaster service volunteer leave, and witness and jury leave.
  - 2.1.2 Faculty employees are eligible for leave as outlined in Section 6.5 entitled “Faculty Absences.” Faculty employees with less than twelve-month appointments are not eligible for sick or annual leave accumulation.
  - 2.1.3 Faculty members with twelve-month administrative appointments will accumulate annual and sick leave using rules applicable to non-classified employees. Rules in Sections 6.5.3 and 6.5.4 of this policy do not apply to faculty with twelve-month administrative appointments unless the faculty member returns to a status less than a twelve-month appointment.
- 2.2 Classified and non-classified employees are eligible for annual and sick leave accrual based on the following:
- 2.2.1 Classified and non-classified employees working on a regular and continuing basis for no less than 1,950 hours within the fiscal year are eligible for leave as specified in this policy.
  - 2.2.2 Classified and non-classified employees working between 1,040 hours and less than 1,950 on a regular and continuing basis during the fiscal year will accumulate leave on a pro-rata basis.

### **SECTION 3. DEFINITIONS**

- 3.1 *Family Medical Leave Act (FMLA)* – A federal law that enables qualified employees to take up to twelve weeks leave for family and health-related reasons without loss of their jobs. Amendments to the FMLA allow additional leave for employees affected by military service requirements.
- 3.2 *West Virginia Parental Leave Act* – The *West Virginia Parental Leave Act* provides that a qualified employee is entitled up to a total of twelve weeks (480 hours) of unpaid family leave (following the exhaustion of all his or her annual and personal leave) because of the birth or adoption of a child, or to care for a son, daughter, spouse, parent, or dependent who has a serious health condition.
- 3.3 *Catastrophic Leave* – Catastrophic leave is a program mandated in West Virginia Code whereby employees may donate accrued leave for the benefit of an eligible employee who has exhausted all sick and annual leave to remain on the payroll.
- 3.4 *Uniformed Services Employment and Re-employment Rights Act (USERRA)* – USERRA is a federal law enacted in October 1994 and significantly updated in 1996 and 1998 which provides job protection and the rights of reinstatement to employees who participate in the National Guard and Reserve.
- 3.5 *Immediate Family* – 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, stepchildren, or others considered being members of the household and living under the same roof.
- 3.6 *Terminal Leave Period* – The time following the last day actively at work due to resignation, retirement, or other termination reason and the final pay date.
- 3.7 *Rolling Forward Calculation Method* – A method of calculating the twelve (12) month period for leave purposes. The rolling forward year is a twelve (12) month period measured forward from the date an employee's first FMLA or other type of leave begins.
- 3.8 *Essential Employees* – The Director of Campus Operations at each location and the Chief Information Officer for the College.

### **SECTION 4. POLICY**

- 4.1 Southern West Virginia Community and Technical College's Board of Governors provide employee leave in compliance with the rules of the West Virginia Council for Community and Technical College Education, West Virginia Code, and federal law. Employee leave provisions include annual leave, sick leave, medical leave of absence without pay, parental leave, family medical leave, catastrophic leave, personal leave of absence without pay, military leave, special emergency leave with pay, disaster service volunteer leave, and witness and jury leave.

### **SECTION 5. BACKGROUND OR EXCLUSIONS**

- 5.1 Employees working less than 1,040 hours are not eligible for leave benefits.
- 5.2 The provisions of this policy related to annual leave, sick leave, and catastrophic leave does not apply to faculty members on annual appointments of less than twelve months.

### **SECTION 6. GENERAL PROVISIONS**

- 6.1 General Leave Rules

- 6.1.1 Annual and sick leave may not be taken before it is accrued. If an employee's regular established work schedule results in the employee working less than a full month, annual and sick leave will be accumulated on a pro rata basis.
- 6.1.2 During a terminal leave period, no type of leave may be accrued.
- 6.1.3 Length of service for leave accumulation purposes will be total years of state 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 full time appointment periods of nine (9) months or more will be credited for one (1) year of service for annual leave calculation purposes.
- 6.1.4 A recognized institutional holiday occurring during an employee's leave period will not be considered as a day of leave, provided the employee is not in a terminal leave period.
- 6.1.5 Up to fifteen (15) days of annual leave may be transferred from other agencies of state government and state higher education institutions to the College. 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. In the event of special circumstances, such as recruitment for a difficult to fill position, requests for transfer of more than fifteen (15) days of annual leave must be made in writing and approved by the President or his/her designee.
- 6.1.6 When a non-faculty employee transfers from other agencies of state government or from other state institutions of higher education to the College, the employee's accumulated sick leave may be transferred. A request for transfer must be made within one (1) year from the last day of employment with the other agency or institution. Written verification of the amount of sick leave to be transferred must be provided.
- 6.1.7 When a faculty employee transfers from other agencies of state government or from other institutions of higher education to the College, the faculty employee's accumulated years of state service will be verified and documented for any state service related benefits. The College will not transfer sick leave balances from another institution for a transferring faculty member, *unless* the faculty member is transferring from a twelve-month faculty position where he or she accumulated sick leave, to a twelve-month faculty position eligible for sick leave at the College.
- 6.1.8 An employee is required to notify her/his supervisor immediately if ill or unable to work for any reason. The notification will be given to the immediate supervisor or designee, as determined by established procedures of the unit.
- 6.1.9 Employees on any type of leave without pay will not accrue annual or sick leave or years of service credit for any and all full months in which they are off the payroll.
- 6.1.10 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.
- 6.1.11 The College will use the rolling forward calculation method for calculating the calendar year and/or any twelve consecutive month period for eligibility of leave for all programs that do not specifically disallow such method.

## 6.2 Annual Leave

- 6.2.1 Full-time non-classified employees and faculty with twelve-month appointments will be eligible for up to twenty-four (24) days leave per year accumulated at the rate of 2.00 days per month. However, when a non-classified employee's status changes to classified, or upon leaving the non-classified position, the accumulation rates outlined in Section 6.2.2 will apply.
- 6.2.2 Employees occupying full-time classified positions will be eligible for annual leave on the following basis:
  - 6.2.2.1 Less than five (5) years' service: 1.25 days per month;
  - 6.2.2.2 Five (5) but less than ten (10) years' service: 1.50 days per month;
  - 6.2.2.3 Ten (10) but less than fifteen (15) years' service: 1.75 days per month;
  - 6.2.2.4 Fifteen (15) or more years' service: 2.00 days per month.
- 6.2.3 Classified and non-classified employees working at least 1,040 hours per fiscal year on a regular and continuing basis, but less than 1,950 hours will accumulate annual leave on a pro rata basis.
- 6.2.4 Accumulated annual leave for continuing employees may be extended beyond that earned during a period of one (1) year, but in no case will it exceed twice the amount earned in any twelve-month period.
- 6.2.5 An employee is entitled to accumulated annual leave at termination of service, but in no case may this exceed the limits set in 6.2.4 above.

## 6.3 Other Conditions for Annual Leave

- 6.3.1 At the request of the employee through established procedures, annual leave may be granted because of illness.
- 6.3.2 The work requirements of the institution will take priority over the scheduling of annual leave or other leave for an employee. When operationally possible, the supervisor will 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.
- 6.3.3 In the event of an employee's death, the value of accumulated annual leave will be paid to the employee's estate.

## 6.4 Sick Leave

- 6.4.1 Full-time employees will accumulate sick leave at the rate of 1.50 days per month. All other employees will accumulate sick leave in accordance with Section 2 of this policy.
- 6.4.2 Sick leave may be accumulated without limit.
- 6.4.3 Sick leave may be used by the employee when ill or injured, when in need of medical attention, or when death occurs in the immediate family.
- 6.4.4 An employee may use sick leave for a member of the immediate family who is ill, injured, or in need of medical attention.

- 6.4.5 Sick leave for more than five (5) consecutive days (one work week or more) will not be granted to an employee for illness without proof of illness or injury satisfactory to the institution. An employee having an extended illness or serious injury will, before returning to duty, obtain satisfactory medical clearance that will indicate the employee's ability to perform her/his duties. Such medical clearance will be presented in writing. Human Resources will develop procedures for requesting and documenting sick leave.
- 6.4.6 When the condition of the employee is such that a return to work date cannot be reliably provided, or circumstances are such that incremental periods of medical leave are appropriate, a medical leave of absence *may* be granted for increments of thirty days. Continuation of the leave will require updated satisfactory medical evidence. Human Resources will establish procedures for medical leaves of absence for a period of more than ten (10) consecutive days.
- 6.4.7 In order to make sound and appropriate decisions regarding medical leaves of absence, employees must obtain beginning date, diagnosis, prognosis, and expected dates of return to work from a health care provider. The College will follow all applicable laws in regard to medical leave under state or federal rules. Supervisors are not allowed access to medical specific information about employees. All employee medical information will be kept in strict confidentiality according to applicable privacy laws and regulations. Any employee who, through the course of performing their job, obtains knowledge of another employee's medical information is required to maintain strictest confidentiality. Medical information is to be forwarded to the Human Resources Office for appropriate record keeping.
- 6.4.8 In cases, except those involving catastrophic leave as defined in this policy, where all accumulated sick leave has been used and annual leave is available, it will 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.
- 6.4.9 On-the-job injuries or occupational illnesses which involve no more than three (3) days of disability leave or absence from work will 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 will 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. Upon receipt of Worker's Compensation wage replacement payments, the employee who elected to use sick leave must pay the institution the amount of benefits received and has the value of the benefit calculated to an equal value of sick leave days for reinstatement.
- 6.4.10 Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom will be, for all job-related purposes, temporary disabilities and will be treated the same as any other illness or disability would be treated for sick leave entitlement. For this reason, employees will 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 will be used as would be used in the case of another type of illness or disability.
- 6.4.11 Sick leave provisions are contingent upon continued employment. When the services of an employee have terminated, all sick leave credited to the employee will be considered cancelled as of the last working day with the institution, and no reimbursement will be provided for unused sick leave except in the event of retirement, in which case sick leave may be converted, under some circumstances, to insurance coverage, or for provisions lawfully provided for at that time. Employees who resign in

good standing and are later re-employed may have their total accumulated sick leave reinstated, provided the date of termination is one (1) year or less from the date of re-employment. 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.

## 6.5 Faculty Absences

- 6.5.1 A faculty member who must miss scheduled work time (class, office, committee, or other) for illness or other reasons, is required to complete a faculty absence form. Whenever possible, the faculty absence form is to be completed in advance of the absence.
- 6.5.2 For absences due to illness lasting or expecting to last two or more consecutive weeks, the full time faculty member must request a medical leave of absence pursuant to established medical leave procedures applicable for all employees.
  - 6.5.2.1 Before returning to work after a period of absence for two work weeks or more, the faculty member must obtain a "Return to Work Authorization/Medical Release" form from the treating health care provider.
- 6.5.3 Faculty members are strongly encouraged to enroll in disability coverage. A faculty employed after September 1999 are required to enroll in disability insurance as a condition of employment.
- 6.5.4 Faculty who miss work for thirty (30) consecutive calendar days will be removed from the payroll. At this time, wage replacement benefits from disability coverage should begin.

## 6.6 Medical Leave of Absence Without Pay

- 6.6.1 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 (as outlined in institutional procedures) that he or she is unable to work. The medical statement will include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the President or her/his designee may authorize a medical leave of absence without pay only for the period of disability specified by the attending health care provider. When the condition of the employee is such that a return to work date cannot be reliably provided, or circumstances are such that incremental periods of medical leave are appropriate, a medical leave of absence without pay *may* be granted for increments of thirty days. Continuation of the leave will require updated satisfactory medical evidence.
- 6.6.2 The employee will be expected to report to work on the first work day 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, will be cause for termination of employment by the institution. An employee, prior to return to duty, will obtain satisfactory medical clearance that indicates the employee's ability to perform her/his duties. Such medical clearance will be presented in writing.
- 6.6.3 A medical leave of absence without pay may be granted for not 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.
- 6.6.4 After an employee has taken a twelve-month medical leave, the institution will continue group health insurance coverage provided that the employee pays the institution the full premium cost of such group health plan.

6.6.5 Any employee who is separated from employment following a medical leave of absence of twelve (12) consecutive months and who had chosen to maintain her/his accumulated annual leave will receive payment for such accumulated annual leave in a lump sum payment.

## 6.7 Parental Leave

6.7.1 A full-time employee who has worked at least twelve (12) consecutive weeks for the State of West Virginia may request up to twelve (12) weeks unpaid parental leave.

6.7.2 The request for parental leave must be due to birth or adoption of a child by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent, or dependent who has a serious health condition.

6.7.3 The employee must provide her/his supervisor and Human Resources 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.

6.7.4 The employee must provide Human Resources with certification by the treating health care provider and/or documentation regarding dependency status.

6.7.5 All annual and sick leave must be exhausted before the parental leave begins. Parental/family leave may be taken intermittently, on a part time basis, providing the period during which the number of work weeks of leave may be taken may not exceed twelve consecutive rolling forward months, and such leave must be scheduled so as not to unduly disrupt the operations of the employer. No more than a total of twelve (12) weeks of parental leave may be taken in any twelve (12) consecutive rolling forward month period.

6.7.6 During the parental leave by an employee, the institution will continue group health insurance coverage provided that the employee pays the employer the full premium cost of such group health plan.

6.7.7 The position held by the employee immediately before the leave commences will be held for a period not to exceed the twelve-week period of the parental leave and the employee will be returned to that position. However, the institution may employ a temporary employee to fill the position for the period of the parental leave.

## 6.8 Family Medical Leave

6.8.1 The FMLA provides qualified employees the right to twelve (12) weeks of unpaid leave per year for certain specified events. Employees must be eligible under federal statute in order to qualify. The law entitles the employee to the same or equivalent job upon return from leave and protects employees from retaliation. Health insurance benefits will continue providing the employee continues to pay the employee portion of the premium.

6.8.2 The institution will comply with the provisions of the federal Family Medical Leave Act (FMLA) as amended.

6.8.3 Any leave approved and taken by an employee eligible under FMLA, will be designated as FMLA leave without separate notice from the employer. This means that the twelve-week FMLA leave period will include unpaid (parental leave, leave of absence without pay, etc.) and/or paid leave (sick leave and annual leave) and/or other applicable leave programs.

## 6.9 Catastrophic Leave

- 6.9.1 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 will 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.
- 6.9.2 The College will provide catastrophic leave under the direct transfer method. Sick or annual leave may be transferred to an eligible employee who has requested and been approved to receive leave donations due to a catastrophic illness or injury.
- 6.9.3 The President, along with Human Resources, will establish procedures for administering the Catastrophic Leave Program. Procedures will include requirements for the employee to obtain the appropriate medical and other verification that he or she is unable to work due to a catastrophic illness or injury.
- 6.9.4 A direct transfer program provides for sick and annual leave to be donated at the request of Human Resources on behalf of an employee who has been approved for catastrophic leave.
  - 6.9.4.1 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 will be compelled to donate leave.
  - 6.9.4.2 The institution may limit the number of days donated by an employee who is in his/her terminal leave period or who resigns employment within 30 days of the donation.
  - 6.9.4.3 Any leave donated by an employee, but not used by the employee to whom it was donated, will be returned to the donating employee and reflected in her/his leave balance.
- 6.9.5 An employee receiving the transfer of leave will 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 will have the donated leave reflected as a day-for-day reduction of the leave balance.
- 6.9.6 Use of donated credits may not exceed a maximum of twelve (12) continuous rolling forward calendar months for anyone catastrophic illness or injury. The total amount of leave received by transfer may not exceed an amount sufficient to ensure the continuance of regular compensation and will not be used to extend insurance coverage pursuant to Section 13, Article 16, Chapter 5 of WV Code, which relates to insurance coverage for state employees. The employee receiving donations of leave will use any leave personally accrued on a monthly basis prior to receiving additional donated leave.

## 6.10 Personal Leave of Absence Without Pay

- 6.10.1 An employee, upon application in writing and upon written approval by the President or her/his 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.
- 6.10.2 The President or the President's designee, at her/his discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay.
- 6.10.3 The President or the President's designee, at her/his discretion, will determine if the purpose for



which such a leave is requested is proper and within sound administrative policy.

6.10.4 At the expiration of leave of absence without pay, the employee will 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, will be cause for termination of employment by the institution.

6.10.5 During a personal leave, the institution will continue group health insurance coverage provided that the employee pays the employer the full premium costs of such group health plan.

## 6.11 Military Leave

6.11.1 Job protection and benefit rights for employees participating in military services of the United States are provided under federal and state law.

6.11.2 An employee who is a member of the National Guard or any reserve component of the armed forces of the United States will be entitled to and will 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" will mean that the employee will 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 will be considered as time worked in computing seniority, eligibility for salary increases, and experience with the institution. An employee will be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave.

6.11.3 Benefits of this section will 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.

6.11.4 In addition to job protection and rights of reinstatement provided under the Uniformed Services Employment and Re-employment Rights Act (USERRA), the FMLA and the federal National Defense Authorization Act for 2010 provides a military family leave entitlement to eligible employees for certain qualifying exigencies and also a special military care giver leave entitlement for an eligible employee to care for a covered service member.

6.11.5 Employees seeking leave for reasons related to military services for themselves or family members are to contact the Human Resources Office.

## 6.12 Special Emergency Leave With Pay

6.12.1 Special emergency leave with pay may be granted by the President or her/his 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.

## 6.13 Disaster Service Volunteer Leave

6.13.1 Any state employee who is a certified disaster service volunteer of the American Red Cross may be granted leave with pay for not more than fifteen (15) work days in each year to participate in specialized disaster relief services for the American Red Cross.

6.13.2 Leave may be granted upon the written request of the American Red Cross for the services of the employee and approval by the supervisor, unit administrator, and the President or President's designee.

6.13.3 The Human Resources Office is responsible for reporting disaster service volunteer leave statistics to the governor's office in compliance with West Virginia Code.

#### 6.14 Witness and Jury Leave

6.14.1 Upon application in writing, an employee 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.

6.14.2 When, in obedience to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of West Virginia, or a political subdivision thereof, the employee will be entitled to leave with pay for such duty and for such period of required absence.

6.14.3 When attendance in a court is in connection with an employee's usual official duties, time required in going and returning will not be considered as absence from duty.

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

6.14.5 The employee will report to work if he or she is excused by the court before the end of her/his regular work day. Provisions for employees who work a shift other than a day shift will be made.

#### 6.15 Managing Work Time in Areas Affected by Interruption to Utility Services or Similar Situations

6.15.1 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 within 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.

6.15.2 Emergency Situations – In the event that an emergency exists, the President or her/his designee, 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 Council for Community and Technical College Education. 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 her/his designee during a declared emergency, the time worked will be compensated according to the provisions of the West Virginia Council for Community and Technical College Education, Title 133, Procedural Rule Series 8, "Personnel Administration." 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.

6.15.3 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. 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.

- 6.15.4 Guidelines on substitute time off for exempt and non-exempt essential employees who are required to work during an inclement weather/emergency closure situation are outlined in SCP-1435.B Essential Employee Guidelines.

## **SECTION 7. RESPONSIBILITIES**

### **7.1 Employee**

- 7.1.1 All employees of the College are responsible for knowing the terms and requirements of this policy and subsequent procedures related hereto. The employee must complete time report forms, leave request forms, and submit supporting documentation to his/her supervisor for approval. Whenever possible, all requests for leave are to be submitted for approval in advance.
- 7.1.2 To ensure privacy of personal medical information, employees must send medical records supporting requests for leave directly to Human Resources, rather than to his/her supervisor.
- 7.1.3 Employees are encouraged to seek advice and clarification from the Human Resources Office regarding specific criteria and interpretation of state and federal rules governing leave programs provided by the College.

### **7.2 Supervisor**

- 7.2.1 All supervisors are responsible for consistent application of this policy and any subsequent procedures related hereto. Supervisors are responsible for monitoring employee absences and ensuring the appropriate time reports, requests for leave, and supporting documentation forms are completed in a timely manner for employees reporting to them. To ensure employee privacy, federal law prohibits supervisors from having access to personal medical information and from contacting an employee's health care providers.
- 7.2.2 Supervisors must forward all complete time records, leave requests and supporting forms to the Human Resources Office immediately upon receipt from the employee.

### **7.3 Human Resources**

- 7.3.1 The Director of Human Resources is responsible for developing procedures and making all forms pertaining to leave available to employees of the College.
- 7.3.2 The Director of Human Resources or his or her designee will review incoming leave request(s) for completion and calculate the remainder of leave balances (where applicable).
- 7.3.3 The Director of Human Resources will review pending requests for leave for compliance with applicable rules and make recommendation to the President or President's designee for approval or denial of leave. In accordance with federal law, only specific employer representatives may contact an employee's health care provider. For the College, the specified representative is the Director of Human Resources or his/her designee in Human Resources.
- 7.3.4 After final decision of the President or President's designee, Human Resources will communicate approval/denial of leave request(s) to the employee and supervisor. The affected employee will be provided appropriate insurance/disability claim forms and notified regarding continuation of benefits, insurance premiums, premium due dates, pending expiration of leave balances, potential/pending disability claims, and other issues as necessary.

7.3.5 Human Resources will monitor the approved employee leave period to ensure that continued compliance, appropriate benefit administration, and return to work provisions are met. Human Resources will provide advice and assistance to the employee and supervisor during the approved absence period.

7.3.6 Human Resources will maintain records showing the current leave status of each employee.

## SECTION 8. CANCELLATION

8.1 The following policies were rescinded and became institutional procedures effective February 16, 2010:

8.1.1 SCP-2484, *Medical Leave of Absence*, and associated forms: SCP-2484.A, *Request for Medical Leave*; SCP-2484.B, *Medical Leave Verification*; and SCP-2484.C, *Return to Work Authorization*.

8.1.2 SCP-2406, *Illness of Faculty Member, Responsibilities for Meeting Affected Classes, and Request for Leave Due to Illness*, and the associated form SCP-2406.A, *Faculty Absence Request/Report Form*.

8.1.3 SCP-2005, *Catastrophic Leave*, and the associated forms: SCP-2005.A, *Catastrophic Leave Request*, and SCP-2005.B, *Catastrophic Leave Donation Form*.

## SECTION 9. REVIEW STATEMENT

9.1 This policy will be reviewed on a regular basis with a time frame for review to be determined by the President or the President's designee. Upon such review, the President or President's designee may recommend to the Board that the policy be amended or repealed.

## SECTION 10. SIGNATURES

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Board of Governors Chair                      Date

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President    Date

**Attachments:**            None.

**Distribution:**            Board of Governors (12 members)  
                                  www.southernwv.edu

**Revision Notes:**        November 2009 – Initial Release

November 5, 2014 – Revisions include grammatical corrections, addition of references to time off for essential employees, correction of rules regarding leave procedures for faculty members with twelve-month appointments, and the removal of hyperlinks to web pages.