

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

SUBJECT: Employee Leave

REFERENCE: 135 C.S.R. 38, *Employee Leave*; W. Va. Code §18B-1-6; W. Va. Code §18B-2A-4; W. Va. Code §18B-14 (Catastrophic Leave); W. Va. Code §15-5-15a (Disaster Service Volunteer Leave); W. Va. Code § 21-5D-1, et seq. (The Parental Leave Act); The Family and Medical Leave Act of 1993, 29 U.S.C. 2601, et seq.; and SCP-1435.A, *Essential Employee Guidelines*

ORIGINATION: November 16, 2009

EFFECTIVE: July 24, 2015

REVIEWED: November 3, 2023

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 applies to all Southern West Virginia Community and Technical College (College) employees. Particular types of leave programs may apply 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, 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 appointments that are less than 12 months old are not eligible to accumulate sick or annual leave.

2.1.3 Faculty members with 12-month administrative appointments will accumulate annual and sick leave using rules applicable to non-classified employees. The provisions of Sections 6.5.3 and 6.5.4 of this policy do not apply to faculty with 12-month administrative appointments unless the faculty member returns to a status less than a 12-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 12 weeks of 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 to up to a total of 12 weeks (480 hours) of unpaid family leave (following the exhaustion of all his or her annual and sick 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 that allows employees to donate accrued leave for the benefit of an eligible employee who has exhausted all sick and annual leave so that the eligible employee can remain on the payroll.
- 3.4 *Uniformed Services Employment and Re-employment Rights Act (USERRA)* – USERRA is a federal law that provides job protection and the rights of reinstatement to employees who participate in the National Guard and Reserve that protects military service members and veterans from employment discrimination on the basis of their service and allows them to regain their civilian jobs following a period of uniformed service.
- 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 reasons and the final pay date.
- 3.7 *Rolling Forward Calculation Method* – A method of calculating the 12-month period for leave purposes. The rolling forward year is a 12-month period measured forward from the date an employee's first FMLA or other type of leave begins.
- 3.8 *Essential Employees* – The Chief Facilities Management Officer, the Executive Directors of Campus and Community Relations, the Director of Campus and Safety Operations, and the Chief Information Officer for the College.

SECTION 4. POLICY

- 4.1 Southern West Virginia Community and Technical College's Board of Governors provides employee leave in compliance with the West Virginia Council for Community and Technical College Education rules, 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, 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 do not apply to faculty members on annual appointments of less than 12 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 months or more will be credited for one 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 a day of leave, provided the employee is not in a terminal leave period.
- 6.1.5 Up to 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 that 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 or institution. A request for transfer must be made within one 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 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 another agency of State government or from another State institution of higher education to the College, the employee's accumulated sick leave may be transferred. A request for transfer must be made within one 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 another agency of State government or from another institution 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 12-month faculty position where he or she accumulated sick leave to a 12-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 during which they are off the payroll.
- 6.1.10 The College 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 12 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 12-month appointments will be eligible for up to 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 years' service: 1.25 days per month;
 - 6.2.2.2 Five but less than 10 years' service: 1.50 days per month;
 - 6.2.2.3 10 but less than 15 years' service: 1.75 days per month;
 - 6.2.2.4 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 The maximum number of annual leave days benefits-eligible employees can accumulate is no more than twice the amount earned in any 12-month period. The President, in his or her sole discretion, may cap the accumulation at the amount of annual leave employees earn in any one 12-month period. Once an employee reaches the cap set by the President, that employee cannot accumulate any more annual leave until he or she uses some of the accumulated leave.
- 6.2.5 An employee is entitled to be paid for his or her 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 non-faculty employees and faculty who are serving in a 12-month faculty appointment 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 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 shall 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 30 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 10 consecutive days.
- 6.4.7 In order to make sound and appropriate decisions regarding medical leaves of absence, employees must obtain the beginning date, diagnosis, prognosis, and expected dates of return to work from a healthcare provider. The College will follow all applicable laws in regard to medical leave under State or federal rules. Supervisors are not allowed access to specific medical 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 the 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 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 consecutive working days after injury or illness occurred. If on-the-job injuries or illnesses require 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 are 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 calculate the value of the benefit to an equal value of sick leave days for reinstatement.
- 6.4.10 Disabilities caused or contributed to by pregnancy, loss of pregnancy, 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 been terminated, all sick leave credited to the employee will be considered canceled as of the last working day with the institution. 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 year or less from the date of re-employment. However, if the employee returns to work after more than one year from the date of termination, no more than 30 days of accumulated sick leave may be reinstated.

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 must 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 expected 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 to all employees. 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 healthcare provider.

6.5.3 Faculty members are strongly encouraged to enroll in disability coverage. All full-time 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 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 must 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 healthcare 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 30 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 the 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, must obtain satisfactory medical clearance that indicates the employee's ability to perform her/his duties. Such medical clearance must be presented in writing.

6.6.3 A medical leave of absence without pay may be granted for not more than 12 consecutive months. Employees needing an extended medical leave beyond 12 consecutive months may apply for an extension through institutional procedures or should consider other options, such as disability.

6.6.4 After an employee has taken a 12-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 12 consecutive months and who has 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 12 consecutive weeks for the State of West Virginia may request up to 12 weeks of unpaid parental leave.

6.7.2 The request for parental leave must be due to the 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 weeks prior to the expected birth or adoption, 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 healthcare 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, provided that the total number of workweeks of leave taken may not exceed 12 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 12 weeks of parental leave may be taken in any 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 12 weeks 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 federal Family and Medical Leave Act (FMLA) provides qualified employees the right to 12 weeks of unpaid leave per year for certain specified events. Employees must be eligible under federal statutes 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, provided the employee continues to pay the employee portion of the premium.

6.8.2 The institution will comply with the provisions of 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 the 12-week FMLA leave period will include unpaid (parental leave, leave of absence without pay, etc.) and/or paid leave (sick 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 that 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 also includes 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 and 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 a 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 from 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 that is donated credited to his or her 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 reflect the donated leave as a day-for-day reduction of the leave balance.
- 6.9.6 Use of donated credits may not exceed a maximum of 12 continuous rolling forward calendar months for any 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 under W. Va. Code § 5-16-13, which relates to the conversion of annual or sick leave for health insurance or retirement benefits for State employees. The employee receiving donations of leave must 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 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 granting such leave is within sound administrative policy and would not result in operational hardship for the requesting employee's work unit.
- 6.10.4 At the expiration of a 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 of absence without pay, the institution will continue group health insurance coverage provided the employee pays the employer the total 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 in 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 is 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 30 working days ordered or authorized under provisions of State law in any one calendar year. An additional 30 working days of leave will be provided per single call to active duty under the provisions of the Military Selective Service Act or any other time the President or other proper federal authority orders the employee to active military service. 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 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 provides a military family leave entitlement to eligible employees for certain qualifying exigencies and also a special military caregiver 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 should contact the Human Resources Office for additional information.

6.12 Disaster Service Volunteer Leave

- 6.12.1 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 15 work days each year to participate in specialized disaster relief services for the American Red Cross. 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.

6.12.2 The Human Resources Office is responsible for reporting disaster service volunteer leave statistics to the Governor's Office in accordance with W. Va. Code § 15-5-15a.

6.13 Court, Jury, and Hearing Leave

6.13.1 Employees will receive regular compensation and will not be required to use annual leave if they serve as a juror or comply with a court subpoena during their regular work hours. This type of leave requires a copy of any court summons or subpoena (if available at the time, but no later than when the employee returns to work). This paid leave does not apply if the employee is a plaintiff, defendant, or other principal party to the case or proceeding or if the employee has a personal or familial interest in the case or proceeding. In these instances, the employee is required to use annual leave.

6.13.2 The employee will report to work if he or she is excused by the court before the end of her/his regular work day. The College will make provisions for employees who work a shift other than a day shift.

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

6.14.1 Utility Service Interruptions – When extended power and utility service interruptions occur, administrators should plan 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 W. Va. Code §12-3-13, which holds that an employee cannot be paid for not working unless such employee is on paid annual leave.

6.14.2 Emergency Situations/Inclement Weather Conditions – All employees must report to work as scheduled during emergency situations or inclement weather conditions unless specifically directed otherwise by the Governor or the Governor's designee. If an employee has indicated unavailability to work due to previously scheduled annual leave, sick leave, or the like, he or she must charge leave as scheduled.

6.14.2.1 Employees who are unable or unwilling to report to work as scheduled during an emergency situation or inclement weather conditions shall be charged annual leave, accrued compensatory time, or are required to take a personal leave of absence without pay for the time absent from work.

6.14.2.2 Employees and their direct supervisors, with the approval of the President, may instead agree upon alternate work locations, including working remotely. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.

6.14.2.3 Under no circumstances shall compensatory time off be provided to an employee who worked as scheduled during an emergency situation or inclement weather condition.

6.14.2.4 Employees unable or unwilling to work during an emergency situation or inclement weather condition are required to follow the College's standard procedures for reporting unscheduled absences.

- 6.14.2.5 In situations where an employee's place of work is unavailable due to an emergency situation or inclement weather condition, the President or the President's designee shall direct employees to report to an alternate work location, work remotely, or remain in restricted on-call status until such time as the place of work becomes available.

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 any procedures related hereto. The employee must complete time report forms and 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 the privacy of personal medical information, employees must send medical records supporting requests for leave directly to Human Resources rather than to their 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 the consistent application of this policy and any 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 healthcare 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 Chief Human Resources Officer is responsible for developing procedures and making all forms pertaining to leave available to employees of the College.
- 7.3.2 The Chief Human Resources Officer 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 Chief Human Resources Officer will review pending requests for leave for compliance with applicable rules and make recommendations 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 healthcare provider. For the College, the specified representative is the Chief Human Resources Officer or his/her designee in Human Resources.
- 7.3.4 After the 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

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.

November 3, 2023 – Revisions reflect title changes, corrections to references and grammatical errors, revisions to jury leave, and emergency situations per W.V. Code.