



Title: #IV-25. Employee Leave

Date: February 11, 2025 (Replacing version dated December 2, 2016)

A. General Information

In accordance with [Policy B-24, Employee Leave](#), this procedure outlines the manner in which West Virginia University at Parkersburg processes requests for leave, including annual leave, medical leave, funeral leave, catastrophic leave, parental leave, the Family Medical Leave Act, personal leave of absence without pay, military leave, Special Emergency Leave with pay, medical leave of absence without pay, witness and jury leave, and leave usage during facility disruption, utility service interruption, and inclement weather for employees of the West Virginia University Parkersburg. It applies to exempt and non-exempt employees that are benefits eligible.

The Institution has the right to expect a reliable workforce, and employees are expected to be present and functioning at work as scheduled. Employees are to obtain proper authorization to be away from the work site for any reason. Prior to their normal start time, employees must notify their supervisor if unable to report to work for any reason. Prior to leaving the work site, employees must notify their supervisor if unable to continue work for any reason. Employees are to maintain adequate leave accruals to cover absences from the work place or, to provide proper notification, documentation and obtain prior authorization for a leave of absence without pay. Failure to comply with any of these expectations results in unauthorized leave.

When an employee is away from the work place, they may utilize authorized leave when they have followed the proper procedures for requesting approval to be absent from work, including the submission of any required form/notification/documentation, and the absence has been approved by the employee's supervisor, or his/her designee. It is the responsibility of the employee to provide appropriate and satisfactory information and/or documentation regarding absences from work in order that it may be properly charged to CTO/STO, annual or sick leave, or a pre-approved leave of absence without pay. An unauthorized absence results when an employee is away from the work place and has failed to follow the procedures to have an authorized absence. Unauthorized absences of any duration may result in, but is not limited to: prohibition to charge time absent to requested leave, or disciplinary action, up to and including the termination of employment.

When requesting sick leave, employees may be required to provide to Human Resources medical verification/assessment from the treating health care provider to validate the illness or other cause for which sick leave, family or parental leave, or medical leave of absence may be granted. The health care provider signing the medical assessment must be current and appropriately board certified.

It is the responsibility of the employee to provide appropriate and satisfactory information and/or documentation regarding absences from work in order that it may be properly charged to Compensable Time Off (CTO/STO), annual or sick leave, or a pre-approved leave of absence without pay.

LEAVE ELIGIBILITY

Eligibility for annual and sick leave shall be based on the following:

Non-exempt (hourly) and Exempt Employees working on a regular and continuing basis for at least 1040 hours over a minimum of nine months within a 12-month period are eligible for leave as specified in policy B-24. Employees working less than 1040 hours within a 12-month period are not eligible for leave benefits. Temporary employees are not eligible for leave. Faculty who have 12-month appointments are eligible to earn leave. Faculty with less than a 12-month appointment are not eligible to earn leave.

LEAVE USAGE

Annual and sick leave may not be taken before it is accrued.

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 or ineligible due to not being in a paid status before and after the holiday.

ANNUAL LEAVE ACCRUAL

All leave-eligible employees on payroll as of the 15th of the month earn half of their monthly leave accruals. All leave-eligible employees on payroll as of the last day of the month earn half of their monthly leave accruals.

During a terminal leave period, no type of leave may be accrued. The terminal leave period is the period for which an employee may receive pay following the employees last active day at work.

The institution shall keep on file a record showing the current leave status of each employee.

Classified Employees

Leave-eligible, non-exempt employees occupying 1.0 FTE positions shall be eligible for annual leave on the following basis:

- Less than 5 years' service: 1.25 days per month;
- 5 but less than 10 year's of service: 1.50 days per month;
- 10 but less than 15 years' of service: 1.75 days per month;
- 15 or more years' of service: 2.00 days per month.

Leave-eligible, non-exempt employees expected to work at least 1,040 hours over a minimum of nine months within a 12-month period on a regular and continuing basis, but less than 1050 hours over a 12-month period shall accumulate annual leave on a pro-rata basis. Length of service shall be total years of service to the state of West Virginia including experience with West Virginia institutions of higher education and other State agencies. Annual appointments of nine months at

1.0 FTE or more shall be credited for one year of service for annual leave calculation purposes. Years of service shall be prorated for all employees with appointments of less than 1.0 FTE.

12-month Faculty appointments

Faculty who are appointed to 12 month positions and occupying 1.0 FTE, shall be eligible for 2.00 days per month of annual leave.

Non-classified Employees

Exempt (non-classified) employees occupying 1.0 FTE positions shall be eligible for 2.00 days per month of annual leave. Those exempt employees working less than 1950 hours over a 12 month period but more than 1040 hours shall accumulate annual leave on a pro-rata basis.

ANNUAL LEAVE USAGE

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 should not be taken without the prior request and approval of the employee's supervisor. If an employee does not follow established procedures for requesting leave, the charge to annual leave shall be processed as an unauthorized leave. Unauthorized absence results when an employee fails to follow the procedures to have authorized leave. Unauthorized absence can result in disciplinary action.

If an employee has exhausted their sick leave, at the request of the employee, accumulated annual leave shall be granted because of sickness.

ANNUAL LEAVE ACCRUAL MAXIMUMS

The maximum for accumulated annual leave shall be 12 times the employee's monthly accrual. The maximum for accumulated annual leave may be increased up to 24 times the employee's monthly accrual upon approval by the Department of Human Resources, as designated by the president. Such extension of the employee's maximum accrual may not be extended beyond one year, and may in no case exceed twice the amount earned in any 12-month period.

Employees who transfer from another eligible state institution may transfer up to 15 days of unused/unpaid annual leave., including eligible agencies of the state government and state higher education institutions. 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. A request for transfer must be made within one year from the last day of employment with the other agency or institution.

An employee is entitled to be paid for unused/unpaid annual leave at termination of service, but in no case may this exceed the limits previously described. The employee may elect a lump-sum payout of annual leave, choose to remain on payroll in a terminal leave period equaling the number of annual leave days he/she has accumulated, or transfer unused/unpaid annual leave to another eligible agency.

In the event of an employee's death, the value of accumulated annual leave will be paid to the employee's estate.

SICK LEAVE

SICK LEAVE ACCRUAL

Leave-eligible employees occupying 1.0 FTE positions shall accumulate sick leave at the rate of 1.5 days per month. Leave-eligible employees occupying positions that are less than 1.0 FTE shall accumulate sick leave on a pro-rata basis. Sick leave may be accumulated without limit.

SICK LEAVE USAGE

Sick leave may be used the employee when ill or injured or when in need of medical attention or when death occurs in the immediate family, as described below.

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** for this purpose 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, grandson, stepmother, stepfather, stepchildren, or others considered to be members of the household and living under the same roof.

An employee is required to notify his/her supervisor prior to the beginning of his/her shift (unless not feasible due to hospitalization, etc.) or immediately if the employee becomes ill or unable to work for any reason while at work 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.

The institution may require evidence from an employee for verification of an illness or other causes for which leave may be granted under this procedure, regardless of the duration of the leave. Such verification shall be provided to Human Resources. Documentation regarding employee's medical conditions is not required to be submitted to the employee's department.

Sick leave for more than five 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 who has a serious 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 within the requested timeframes.

In cases, except those involving catastrophic sick leave, 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. The employee must make the request to save her/his annual leave and be removed from payroll. Such a request will not result in unauthorized absence.

When an employee transfers from another agency of state government or from other state institutions of higher education to another institution, the employee's accumulated sick leave may be transferred. Written verification of the accumulated amount of sick leave to be transferred must be provided by the state agency or institution wherein the employee accumulated the sick leave within one year of the date of employment with the institution.

Sick leave provisions are contingent upon continued employments. When the services of an employee have terminated, all sick leave credited to the employee shall be considered canceled 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 based on employee eligibility for this benefit 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 year or less from the date of reemployment. However, if the employee returns to work after more than one year from the date of termination, no more than 30 days of accumulated sick leave may be reinstated.

MEDICAL LEAVE

Any employee requesting a medical leave must provide the Department of Human Resources, through established procedures, with satisfactory medical evidence (such as a statement from the attending physician) that she/he is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. All documentation will be submitted to Medical Management for assessment and recommendations. If the evidence is satisfactory, the Department of Human Resources may authorize a medical leave only for the period of disability specified by the attending physician.

Medical Leave shall be with pay for all time that can be covered by use of sick leave, annual leave, and/or catastrophic leave (as described). Medical Leave without pay may be granted when all available leave has been exhausted.

The employee is expected to report to work on the first workday following the expiration of the disability period. 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 her/his duties. Such medical clearance shall be presented in writing to the Department of Human Resources and submitted to Medical Management. The employee will not be permitted to return to work until authorized by Human Resources.

Failure of an 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.

A medical leave may be granted for no more than 12 consecutive months. Employees who may need an extended medical leave beyond 12 consecutive months may apply for an extension through institutional procedures or may consider other options, such as disability.

An employee who is separated from employment following a medical leave of absence of 12 consecutive months may elect group health insurance coverage through COBRA. If such coverage is elected, the former employee is responsible for the full (employer and employee portions) premium cost of such coverage.

Any employee who is separated from employment following a medical leave of absence of 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.

On-the-job injuries or occupational illnesses which involve no more than three 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 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 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. Once the employee has elected one of the above described option in writing that decision is final.

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 are 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.

FUNERAL LEAVE

Funeral leave is intended to provide the employee time to arrange for and attend the funeral and related services of an immediate family member, including travel time. In this instance, immediate family member is defined as: parents, siblings, or children by blood or law; spouse; grandparents and grandchildren; or others considered to be part of the household living under the same roof.

Up to five days of funeral leave may be charged as sick leave. Additional time necessary to meet the obligations outlined above shall be charged as annual leave.

CATASTROPHIC LEAVE

The catastrophic leave program is available to provide salary continuation to leave eligible employees who have suffered a catastrophic illness or injury. Catastrophic illness or injury is defined as: a medically verified illness or injury that is expected to incapacitate the employee and create a financial hardship because the employee has exhausted all sick and annual leave and other paid time off. Catastrophic illness or injury also includes an incapacitated immediate family member as previously defined if this results in the employee being required to take time off from work for an extended period of time to care for the family member and if the employee has exhausted all sick and annual leave and other paid time off.

In order to participate in the catastrophic leave program, an employee must complete an application, provide all requested medical documentation and be approved for participation.

WVUP maintains a procedure for direct transfer of sick or annual leave to an employee who has requested and been approved for catastrophic 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 her/his leave balance.

WVUP administers catastrophic leave in conjunction with WVU which provides for the deposit of sick and annual leave into a "bank" from which employees approved for catastrophic leave may withdraw leave.

Upon approval for an employee to receive catastrophic leave, any leave-eligible employee may donate sick and/or annual leave in one-day (7.5 hour) increments by following the approved procedures. No employee shall be compelled to donate sick leave.

An employee receiving the transfer of leave shall have any time that is donated credited to her/his leave record in one-day increments and reflected as a day-for-day addition to her/his leave balance. The leave record of the donating employee shall have the donated leave reflected as a day-for-day reduction of the leave balance.

Use of donated credits may not exceed a maximum of 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 post-retirement pursuant to West Virginia Code §5-16-13. The employee receiving donations of leave shall use any leave personally accrued on a monthly basis prior to receiving additional donated leave.

PARENTAL LEAVE

Parental leave program description: Parental leave is an unpaid leave program. During the parental leave, the institution shall continue group health insurance coverage provided that the employee pays the employer the full (employer and employee portions) premium cost of such group health plan.

The position held by the employee immediately before the leave is commenced shall be held for a period not to exceed the 12-week period of the parental leave and the employee shall be returned to that position.

Eligibility for Parental Leave

An employee who has worked at least 12 consecutive weeks for the state may request up to 12 weeks unpaid parental leave.

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.

All annual leave must be exhausted before the parental leave begins. No more than a total of 12 weeks of parental leave may be taken in any 12 consecutive months period.

The employee should provide her/his supervisor with written notice two weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. Failure to submit a written request may be cause for denial.

The employee must provide Human Resources with certification by the treating physician and/or documentation regarding dependency status.

FAMILY MEDICAL LEAVE ACT

The institution shall comply with the provision of the federal Family Medical Leave Act, which provisions shall run concurrently with parental leave and/or any other applicable leave programs.

Definitions

1. Eligible Employee An employee of WVUP who has been employed for a length of service of at least twelve (12) months¹ and has worked the minimum of 1250 hours consecutively during the twelve (12) months immediately preceding the request for FMLA leave.

2. Leave Entitlement FMLA leave that is available to an eligible employee for a period of twelve (12) weeks for certain qualifying reasons or conditions, or twenty-six weeks for qualifying military caregiver leave.

3. Twelve Month Period The period of twelve (12) months is calculated on a rolling calendar basis. This period is calculated looking backward, beginning with the date an employee begins using FMLA leave under this procedure.

4. Qualifying Reason or Condition Any of the statutory reasons or conditions for taking FMLA leave:
 - birth of a child or placement with the employee of a child for adoption or foster care;
 - care of a child after birth, adoption, or foster care placement;
 - care of a close family member (spouse, child, or parent) due to his/her serious health condition;
 - employee's own serious health condition;
 - qualifying exigency arising out of the fact that spouse/child/parent is on covered active duty or call to covered active duty status with the Armed Forces; or
 - employee is the spouse/child/parent/next-of-kin of a covered service-member with a serious injury or illness.

¹ Completion of a nine-month contract as a faculty member for a full academic year qualifies as 12 months of employment.

5. Serious Health Condition An illness, injury, impairment, physical or mental condition that involves:
- inpatient care in a hospital, hospice or residential medical care facility, including a period of incapacity or subsequent connected treatment; or
 - continuing treatment by a health care provider; or
 - any period of incapacity of more than three consecutive calendar days and any additional period of related incapacity that also involves either treatment two or more times by a health care provider or a regimen of continuing treatment under the supervision of a provider; or
 - any period of incapacity due to one's own pregnancy or pre-natal care; or
 - any period of incapacity for the treatment of a chronic serious health condition, which may require periodic visits for treatment, may continue over an extended period of time, and/or may be episodic in nature (for example, asthma, diabetes, epilepsy, etc.); or
 - any period of incapacity for the treatment of a permanent or long-term condition that requires continuing supervision, but not active treatment, by a health care provider (for example, Alzheimer's, severe stroke, terminal stage of a disease); or
 - any period of absence to receive multiple treatments either for restorative surgery or for a condition which would result in incapacity if not treated (for example, severe arthritis, cancer, kidney dialysis).
6. Intermittent Leave Approved FMLA leave which is taken on an intermittent basis as part of a day, a few days in a week, or on a reduced work schedule.
7. Health Care Provider A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices OR any other person determined by the Secretary of Labor to be capable of providing health care services.
8. Parent Biological parent of an employee OR an individual who stood in place as a parent (in loco parentis) to an employee when the employee was a son or daughter.
9. Son or Daughter (Child) A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in place as a parent (in loco parentis) who is:

illness that was incurred by the member in the line of duty while on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; *and*

In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in Section 101(a)(15)(b) of Title 10 of the United States Code, an injury or illness that was incurred by the member in line of duty while on active duty in the Armed Forces

17. Veteran

A person who served in the active military, naval, or air service and who was discharged or released from there under conditions other than dishonorable.

Basic Leave Entitlement

West Virginia University Parkersburg provides an eligible employee with up to twelve (12) weeks of unpaid, job-protected FMLA leave per rolling calendar basis, for any of the following reasons:

- for incapacity due to pregnancy, prenatal medical care, or child birth;
- to care for the employee's child after birth or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the essential functions of his/her position.

At WVUP, such FMLA leave may be paid or unpaid leave, contingent upon the employee's leave accrual eligibility. For paid leave, all usage of accrued sick leave, annual leave, CTO (compensatory time off), STO (substitute time off), and/or other accrued leave types, shall be taken by the employee in accordance with WVUP procedures or guidelines and federal FMLA regulations.

During FMLA leave, an eligible employee's health insurance benefits shall be maintained at the same level and under the same conditions as if the employee had continued to work. The employee shall be responsible for his/her share of the premium payment.

FMLA leave may be taken on a consecutive basis or, when medically necessary, on an intermittent basis, which may include being taken as part of a day, a few days during the week, or on a reduced work schedule. Intermittent leave should be scheduled so that it interferes as little as possible with the employee's job duties. If necessary, WVUP may assign the employee to an alternative position with equivalent pay and benefits in order to accommodate the employee's intermittent leave schedule.

FMLA leave may run concurrently with qualifying absences due to parental leave, catastrophic leave, worker's compensation leave, or other applicable personal or medical leaves of absence. When both the FMLA and the West Virginia Parental Leave Act apply to the qualifying reason or condition, the requirements that are more favorable to the employee will be used.

Upon return from FMLA leave, an eligible employee who can perform the essential functions of his/her position is entitled to be returned to the same position or to an equivalent position with equivalent pay, benefits, and terms and conditions of employment.

When an eligible employee is unable to perform the essential functions of his/her position after returning from FMLA leave because he/she may now have a disability because of the serious health condition, the employee shall have the right to be considered for reasonable accommodation(s) under the Americans with Disabilities Act (ADA).

Under the FMLA, special hours of service eligibility requirements apply only to airline flight crew employees, and, therefore, do not apply to WVUP.

An employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit if he/she asserts that WVUP has interfered with, restrained, or denied the exercise of the employee's rights under the FMLA or discharged or discriminated against the employee for opposing any practice made unlawful by the FMLA or for being involved in any proceeding under or relating to the FMLA. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law which may provide greater family or medical leave rights.

Military Family Entitlements

An eligible employee whose spouse, son, daughter, or parent is on covered active duty or called to covered active duty status may use his/her twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigency leave may be used for attendance at certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending counseling sessions, or attending post-deployment re-integration briefings. Qualifying exigency leave may be taken on an intermittent basis.

An eligible employee may also be able to use a special FMLA leave entitlement for a period of up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury. "Serious illness or injury" for current service members and veterans is distinct from the FMLA definition of "serious health condition." (See: **B. Definitions** in this Procedure)

West Virginia University Medical Management

By agreement, the Medical Management Unit at WVU (Morgantown) provides assistance to WVUP in the management of FMLA leave for leave-accruing employees. If the employee's leave request qualifies as FMLA leave, WVU's Medical Management Unit will provide written notification of this determination to the employee, his/her supervisor, and the WVUP Human Resources Department. Such notification shall designate if this request is approved for continual or intermittent usage and the approved duration of the leave.

Medical Management shall determine when recertification may be requested from the employee. To the extent a second opinion regarding the serious health condition of the employee is necessary in order to support an FMLA leave, Medical Management shall select the health care provider and review the information received. In the event a third opinion may be necessary in order to resolve the difference of opinions between health care providers, Medical Management and employee shall agree on a health care provider, who shall provide the final and binding opinion.

Employee Responsibilities

An eligible employee shall provide to his/her immediate supervisor a timely explanation of the reason for the FMLA-qualifying leave request (not to be confused with the appropriate medical documentation) and the anticipated timing and duration of the leave request. If the leave is foreseeable, the employee shall provide at least thirty (30) days advance notice. If providing thirty (30) days advance notice is not possible, the employee shall provide notice as soon as practicable and shall comply with normal call-in procedures.

The employee shall provide appropriate medical documentation to WVU's Medical Management unit of Human Resources within fifteen (15) days of the FMLA leave request. When submitting the information, the employee must use the appropriate Medical Verification form, which is available from the WVUP Human Resources Office or on the WVU Human Resources website. For employees who accrue paid leave time, Medical Management shall review and determine if the leave request qualifies as FMLA leave and provide written notification to the employee, his/her supervisor, and WVUP Human Resources of its determination. Such notification shall designate if this request is approved for continual or intermittent usage and the approved duration of the leave.

The employee shall provide periodic recertification from a health care provider when requested if the employee requests an extension of leave, if the circumstances have changed significantly regarding an existing leave, or if information is received questioning the stated reason for the use of the leave. Recertification may not be requested more often than every thirty (30) days, however. If the employee has been on FMLA leave due to his/her own serious health condition, the employee shall provide appropriate medical documentation in order to be released to return to work at the end of the FMLA leave.

Supervisor Responsibilities for Leave-Accruing Employees

Supervisors are responsible for ensuring the documentation of an employee's **FMLA** utilization for compensable purposes in the time system. Due to recent Federal Affordable Care Act reporting requirements, paid and unpaid **FMLA** must be documented timely and appropriately.

Documentation of paid and/or unpaid FMLA for leave-accruing employees begins in the my time leave System. It is the supervisor's responsibility to submit and approve paid/unpaid FMLA through the Leave System should the employee be unable to request the leave for themselves. If an employee has been approved for FMLA through Medical Management, he or she will have three new leave options in the Leave System available for use:

- FMLA Sick
- FMLA Annual
- FMLA Unpaid

FMLA runs concurrently with the employee's approved medical leave and may be paid or unpaid depending upon the employee's own sick and annual leave balances. FMLA Sick will be approved first, followed by FMLA Annual. If both the employee's annual leave and sick leave balances are exhausted OR the employee is not eligible for annual leave and sick leave and still has a remaining FMLA balance, then FMLA Unpaid must be submitted. **It is mandatory to notify the WVUP Human Resources Department (Ext. 398) and Payroll (Ext. 331) when an employee begins utilization of FMLA Unpaid.**

Steps to Follow for Submitting Paid/Unpaid FMLA

1. Learn how to submit leave for an employee in the Leave System;
2. Supervisor submits FMLA Sick for the employee, if the employee has sick leave available; then,
3. Supervisor submits FMLA Annual leave for the employee, if the employee has annual leave available; or,
4. If both sick and annual leave balances are exhausted supervisor submits FMLA Unpaid.
5. Supervisor notifies the WVUP Human Resources Department and Payroll Department in writing of the employee's exhaustion of sick and annual leave balances and that he or she is now utilizing FMLA Unpaid.
6. WVUP Payroll Representative notifies WVU Payroll and Processing Services of the employee's own sick and annual leave exhaustion and the employee is utilizing FMLA Unpaid
7. Supervisor notifies WVUP Human Resources Department and WVU Medical Management in writing of the employee's return to work.

Contact Information

Additional information or questions regarding FMLA leave may be directed to:

WVU Parkersburg, Human Resources Department
Office 1008, 300 Campus Drive, Parkersburg WV 26104
304-424-8398
humanresources@wvup.edu

WVU Division of Human Resources, Benefits Unit
One Waterfront Place, P.O. Box 6640, Morgantown, WV 26506
304-293-5700

benefits@mail.wvu.edu

Forms

www.hr.wvu.edu/forms

- WVU Medical Verification Forms

www.wagehour.dol.gov

- Employee Rights and Responsibilities Under the Family and Medical Leave Act
- Certification of Qualifying Exigency for Military Family Leave Form
- Certification for Serious Injury or Illness of a Current Service member-for Military Family Leave Form

PERSONAL LEAVE OF ABSENCE WITHOUT PAY

An employee, upon application in writing and upon written approval by the institutional 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.

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.

The president or the president's designee, shall determine if the purpose for which such a leave is requested is proper and within sound administrative policy.

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.

During a personal leave, the institution shall continue group health insurance coverage provided that the employee pays the employer the full (employer and employee portion) premium costs of such group health plan.

MILITARY LEAVE

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 shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades, field service or active service to the State ordered by proper authority, or for field training or active service for the maximum period as provided by state and/or federal law.

The term "without loss of pay" means 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 increases, credit for years of service and experience with the institution. An employee shall be required to submit an order or statement from the appropriate military officer in support of the request for such military leave unless military necessity prevents giving such notice.

WITNESS AND JURY LEAVE

Upon application in writing, an employee may be granted leave with pay as indicated hereinafter in this section provided the employee is not a party to the action or otherwise has a personal or familial interest in the case or proceeding; in these instances, the employee is required to use annual leave. If an employee is summoned to serve as a juror or comply with a subpoena during regular work hours, the employee is entitled to leave with pay for such duty and for such period of required absence; annual leave will not be charged in this instance. This type of leave requires a copy of any court summons or subpoena (if available at the time, but no later than when you return to work).

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.

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

LEAVE USE AS IT RELATES TO FACILITY DISRUPTION AND UTILITY SERVICE INTERRUPTION

Utility Service Interruptions—When extended power and utility service interruptions occur or work facilities are not available for other reasons, 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. If an employee is unable to work from an alternative location during the period of utility service interruption, time off during the utility service interruption may be granted and charged against an employee's accumulated annual leave or Compensatory Time Off (CTO). 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 or CTO.

LEAVE USE AS IT RELATES TO INCLEMENT WEATHER

At the discretion of the Governor or the Governor's designee, the institution may be shut down in whole or in part because of a circumstance that threatens the health or safety of employees, such as extreme inclement weather or natural disaster. When the College closes due to a state of emergency declared by the Governor or the Governor's designee (not a local emergency services authority), employees are not required to report to work or take an annual leave day but will be compensated as though it were a regular work day. When operational needs require a non-exempt, regular employee to work during a Gubernatorially-declared state of emergency, in addition to regular pay, the employee will receive compensation in either compensatory time

off (“Comp Time”) or pay at the rate of time and one-half of the actual hours worked during the declared emergency period. Exempt employees who are required to work during a Gubernatorially-declared state of emergency receive Comp Time on an hour-for-hour basis up to 7.5 hours per day.

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 payroll for the time in question. If the institution employs the “floating holiday” or personal day concept, the personal time 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.

Responsible Administrator: Director Human Resources, 304-424-8212