

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

1991 MAR 20 PM 4:52

RECEIVED

ENROLLED

Committee Substitute for
SENATE BILL NO. 446

(By Senator Blatnik)

PASSED March 7, 1991

In Effect July 1, 1991 ~~Passage~~

RECEIVED

1991 MAR 20 PM 4:52

OFFICE OF LEGISLATION
SECRETARIAT B-1000

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 446
(By SENATOR BLATNIK)

[Passed March 7, 1991; to take effect July 1, 1991.]

AN ACT to amend article nine, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten, relating to higher education classified employees; authorizing transfer of leave to employee with no sick leave who is unable to work due to catastrophic illness or injury; defining terms; and providing generally for such transfer and limitations thereto.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten, to read as follows:

ARTICLE 9. CLASSIFIED EMPLOYEE SALARY SCHEDULE AND CLASSIFICATION SYSTEM.

§18B-9-10. Classified employees' catastrophic leave transfer.

- 1 (a) For the purpose of this section, a catastrophic
- 2 illness or injury means an illness or injury which is

3 expected to incapacitate the employee and which
4 creates a financial hardship because the employee has
5 exhausted all sick leave and other paid time off.
6 Catastrophic illness or injury shall also include an
7 incapacitated immediate family member if this results
8 in the employee being required to take time off from
9 work for an extended period of time to care for the
10 family member and the employee has exhausted all
11 sick leave and other paid time off.

12 For the purpose of this section, employee means a
13 classified employee employed by a higher education
14 governing board or by the central office.

15 (b) Sick leave may be donated to any employee
16 experiencing a catastrophic illness or injury as those
17 terms are defined in subsection (a) of this section.
18 Such leave shall be donated at the request of the
19 employee upon appropriate verification that the
20 employee is unable to work due to the catastrophic
21 illness or injury as determined by the president of the
22 institution or senior administrator.

23 Upon approval of the transfer of sick leave by the
24 president of the institution or senior administrator,
25 any employee may, upon written notice to the person-
26 nel office, donate sick leave in one-day increments.
27 Donations will be reflected as a day-for-day deduction
28 from the sick leave balance of the donating employee.
29 No employee shall be compelled to transfer sick leave.

30 (c) An employee receiving the transfer of sick leave
31 shall have any time which is donated credited to such
32 employee's account in one-day increments and
33 reflected as a day-for-day addition to the leave balance
34 of the receiving employee.

35 Use of donated credits may not exceed a maximum
36 of twelve continuous calendar months for any one
37 catastrophic illness or injury. The total amount of sick
38 leave donated may not exceed an amount sufficient to
39 insure the continuance of regular compensation and
40 shall not be used to extend insurance coverage pursu-
41 ant to section twelve, article sixteen, chapter five of
42 this code. An employee receiving donations of sick

43 leave pursuant to this section shall use any leave
44 personally accrued on a monthly basis prior to receiv-
45 ing additional donated sick leave.

46 (d) Transfer of sick leave may be inter-institutional
47 in accordance with the policies of the appropriate
48 governing board. Each institution and the central
49 office shall be responsible for the administration of the
50 sick leave transfers of its classified employees.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Somer Leck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

Parrell E. Thomas
.....
Clerk of the Senate

Donald D. Kopp
.....
Clerk of the House of Delegates

Will Burdette
.....
President of the Senate

BBACCH
.....
Speaker House of Delegates

The within *is approved* this the *20th*
day of *March*, 1991.

Yaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/4/91

Time 4:10 pm