

**Senate Bill No. 668**

(By Senators Beach and Williams)

[Introduced February 20, 2012; referred to the Committee on Government Organization; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §29-6-27 of the Code of West Virginia, 1931, as amended, relating to permitting a civil service employee to donate annual leave to another employee; removing the medical emergency requirement; modifying a definition; and authorizing rulemaking.

*Be it enacted by the Legislature of West Virginia:*

That §29-6-27 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 6. CIVIL SERVICE SYSTEM.**

**§29-6-27. Leave donation program.**

~~The Division of Personnel after consultation with other state agencies shall establish a program under which annual leave accrued or accumulated by an employee of an agency may, if voluntarily agreed to by the employee, be transferred to the annual leave~~

1 ~~account of another designated employee if the other employee~~  
2 ~~requires additional leave because of a medical emergency.~~

3 (a) The Division of Personnel's leave donation program is  
4 continued. State employees may donate annual leave to a fellow  
5 state employee who has exhausted, or will exhaust, all types of  
6 paid leave.

7 (b) The division shall establish the annual leave program  
8 ~~shall be established~~ by legislative rule pursuant to ~~the provisions~~  
9 ~~of chapter twenty-nine-a of this code. The Division of Personnel~~  
10 ~~shall file such legislative rule no later than July 15, 1995.~~

11 (c) The division shall prepare an annual status report to be  
12 presented to the Joint Committee on Government and Finance no later  
13 than January 5, each year. ~~A "medical emergency" means a medical~~  
14 ~~condition of an employee or a family member of the employee that is~~  
15 ~~likely to require the prolonged absence of the employee from duty~~  
16 ~~and which will result in a substantial loss of income to the~~  
17 ~~employee because of the unavailability of paid leave. As used in~~  
18 ~~this section,~~

19 (d) No leave transferred may be used to qualify for or add to  
20 service for any retirement system administered by the State of West  
21 Virginia.

22 (e) For the purposes of this section "employee" includes  
23 employees means a person in the classified and classified-exempt

1 service and ~~employees~~ a person exempt from coverage who are under  
2 this article entitled to annual leave as a benefit of employment.  
3 ~~Provided, That none of the leave so transferred may be used to~~  
4 ~~qualify for or add to service for any retirement system~~  
5 ~~administered by the State of West Virginia.~~

NOTE: The purpose of this bill is to permit a civil service employee to donate annual leave to another employee. The bill removes the medical emergency requirement before leave can be transferred. The bill also modifies a definition and provides rule-making authority.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.