STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 26-21

By the Governor

WHEREAS, a State of Emergency was declared on the March 16, 2020 for all counties in West Virginia, to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, West Virginia Code § 15-5-6 authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Order 83-20 allowed for certain employees of any state agency of West Virginia who were directly involved in the pandemic response to carry forward certain amounts of unused paid leave from 2020, as designated by the applicable secretary, commissioner, or other responsible head of such agency; and

WHEREAS, due to the ongoing need for pandemic response in 2021, it is appropriate that certain portions of employees' unused annual leave from 2021, which is attributable to such employee's direct involvement in the pandemic response, be allowed to carry forward to and through the calendar year 2026; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of West Virginia Code §15-5-6, hereby **DECLARE** and **ORDER** that, in the discretion of the West Virginia Division of Personnel which may issue additional guidance from time to time, notwithstanding West Virginia CSR § 143-1-14.3.a, employees of any state agencies

of West Virginia, including without limitation employees of local health departments, who are designated by the applicable secretary, commissioner, or other responsible head of such agency to have been directly involved in the pandemic response and therefore unable to use some portion of such employee's annual leave in calendar year 2021 due to the emergency situation, and are subject to losing said portion of such employee's annual leave, shall have the portion of such employee's unused annual leave attributable to such employee's direct involvement in the pandemic response, as designated by the applicable secretary, commissioner, or other responsible head of such employee's applicable agency, carry forward to and through the calendar year 2026. Said carried-forward leave shall expire at the end of calendar year 2026. If such carried-forward leave remains unused at the time such employee separates or retires from his or her employment for any reason prior to the expiration of such carried-forward leave under the terms of this Order, such carried-forward leave shall not be counted toward any retirement or separation from employment payment or other benefit under any provision of West Virginia law, rule, or regulation, including without limitation under W. Va. Code §§ 5-5-3, 5-5-6(b), 5-16-13, and/or 15-2A-21 or West Virginia CSR § 143-1-14.3.f.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-Fourth day of September, in the year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-Ninth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE