

**WEST VIRGINIA  
SECRETARY OF STATE  
BETTY IRELAND  
ADMINISTRATIVE LAW DIVISION**

Form #2

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**FILED**

2005 AUG 22 P 2:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Division of Personnel TITLE NUMBER: 143

RULE TYPE: Interpretive CITE AUTHORITY: West Virginia Code 29-6-10

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 5

TITLE OF RULE BEING PROPOSED: Paid Leave for Organ Donation

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 21, 2005 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Division of Personnel

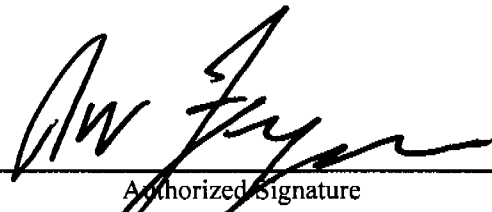
1900 Kanawha Boulevard, East

Charleston, WV 25305

OR by e-mail to: \_\_\_\_\_

tcrouse@wvadmin.gov

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



# West Virginia Division of Personnel

Willard M. Farley, Acting Director

STATE PERSONNEL BOARD  
Rev. Paul Gilmer ♦ Elizabeth Harter  
Sharon Lynch ♦ Eugene Stump

## MEMORANDUM

**TO:** Members of the State Personnel Board

**FROM:** Willard M. (Max) Farley, Acting Director  
WV Division of Personnel

**RE:** Proposed Interpretive Rule

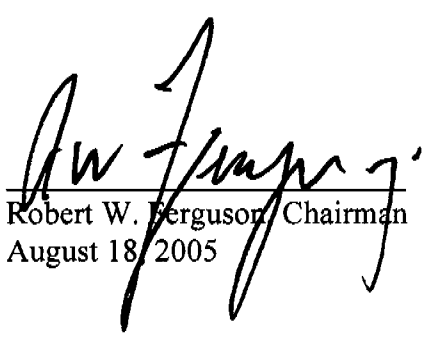
**DATE:** August 18, 2005

Your approval is requested for filing a notice of public comment on a proposed interpretive rule with the Secretary of State's Office in accordance with the provisions of *W.V. Code §29A-3-1 et seq.* Copies of the proposed interpretive rule and the notice of the public comment period are attached.

Senate Bill 240, passed by the Legislature on April 7 and signed by the Governor on April 21, 2005, provides that State employees are eligible to receive paid leave for the purpose of making kidney, liver, or bone marrow donations. The proposed interpretive rule specifies the administration of these provisions.

Thank you for your consideration of this request.

**APPROVED:**

  
Robert W. Ferguson, Chairman  
August 18, 2005

WMF:TMC/

Attachments

FILED

TITLE 143  
INTERPRETIVE RULE  
WEST VIRGINIA DIVISION OF PERSONNEL

2005 AUG 22 P 2:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SERIES 5  
PAID LEAVE FOR ORGAN DONATION

§143-5-1. General.

1.1. Scope: This interpretive rule relates to paid leave for kidney, liver, or bone marrow donations as provided in *West Virginia Code* §29-6-28, and the Division of Personnel's position in the administration of these provisions.

1.2 Authority and Related Code Citation: *West Virginia Code* §§29-6-28 and 29-6-10.

1.3 Filing Date: \_\_\_\_\_.

1.4 Effective Date: \_\_\_\_\_.

§143-5-2. Definitions. Terms used in this rule which are not specifically defined in this section have the meaning given in the *Administrative Rule of the West Virginia Division of Personnel*, 143CSR1.

2.1. Full-time employee means an employee of the State of West Virginia whose term of employment is not of a limited duration and who works at least 1,040 hours per year. Generally, this means State employees who are eligible for participation in an insurance program of the Public Employees Insurance Agency and who are required to participate in a retirement program administered by the Consolidated Public Retirement Board.

2.2. Organ donation means the donation of an adult kidney, a portion of an adult liver, or adult bone marrow, including pre-operative testing to determine the potential donor's surgical fitness and compatability.

§143-5-3. Provisions and Requirements.

3.1. During any calendar year, a full-time State employee is eligible to receive paid leave for the purpose of making an organ donation.

3.2. An employee is eligible to receive up to 120 hours of paid leave for the donation of an adult kidney or portion of an adult liver, and up to 56 hours of paid leave for an adult bone marrow donation.

3.2.1. An employee is eligible to receive paid leave for the time required to determine surgical fitness and compatibility as a potential donor, as verified by a physician or medical practitioner, even if subsequently found to be surgically unfit or incompatible, or if the organ donation does not occur.

3.2.2. An employee who works less than an agency's full-time schedule, but satisfies the definition of full-time employee in Section 2.1 above, is eligible to receive paid leave for an organ donation on a pro-rata basis, consistent with leave accrual provisions of CSR 143-1-14.

3.2.3. The leave may be requested and taken intermittently as needed and verified by a physician or medical practitioner.

3.2.4. The paid leave for pre-operative testing and/or organ donation is separate and apart from an employee's accrued annual and/or sick leave and is not to be charged against either.

3.3. The employee must request paid leave and provide verification of the pre-operative testing and/or organ donation on the forms prescribed by the Division of Personnel.