



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-14

RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Holidays

CITE STATUTORY AUTHORITY: 18B-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/30/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Dr. Sarah Tucker

ADDRESS: 1018 Kanawha Boulevard, East
Charleston, WV 25301

EMAIL: chancellors.office@wvhepc.edu

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Holidays in the public four-year system of higher education.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Eliminates institutional reporting requirement to provide Commission a list of institutional holidays.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 133
PROCEDURAL RULE

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 14
~~TITLE: HOLIDAYS~~

§133-14-1. ~~SECTION 1.~~ General.

1.1. Scope. -- Rule regarding holidays in the state system of higher education.

1.2. Authority. -- West Virginia Code §18B-1-6.

1.3. Filing Date. -- ~~March 19, 2002.~~

1.4. Effective Date. -- ~~April 19, 2002.~~

1.5. ~~Repeals and replaces Title 128, Series 26 and Title 131, Series 26~~ Repeal of Former Rule. -- Repeals and replaces Title 133, Series 14 which had an effective date of April 19, 2002.

§133-14-2. ~~SECTION 2.~~ Granting Power.

2.1. The West Virginia Higher Education Policy Commission (Commission) hereby directs that the governing board or president of each institution shall determine six holidays which will be observed by the employees of that institution in addition to the six holidays specified in Section 3.1 of this rule.

§133-14-3. ~~SECTION 3.~~ Number of Full Holidays.

3.1. The number of full holidays shall be twelve, plus additional days for any statewide, primary or general election. Specified holidays shall include Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, and Martin Luther King's Birthday. Six additional days determined by the governing board or president as provided in Section 2.1 shall also be taken. If a specified holiday falls on a Saturday or Sunday, the preceding Friday or the following Monday will be observed as the legal holiday.

3.2. Proclamation of additional legal holidays by the president of the United States, governor, or other duly constituted authority may be observed by employees as determined and communicated by the president of the institution. The president of the institution may determine that any such additional legal holidays shall be observed at a future date, if operational needs of the institution require the holiday not be observed on the date proclaimed.

§133-14-4. ~~SECTION 4.~~ Half Holidays.

4.1. As specified in the regulations of the division of personnel for agencies of the executive branch of state government, one-half day preceding Christmas or New Year's Day shall be a holiday when Christmas or New Year's Day falls on Tuesday, Wednesday, Thursday, or Friday.

§133-14-5. ~~SECTION 5.~~ Schedules.

5.1. Holiday schedules are to be established and used on a fiscal year basis.

5.2. The president of each institution shall ~~submit for information purposes to the Chancellor by June 30 of each year a list of the holidays to be observed at that institution for the upcoming fiscal year and shall assure that the list is posted in appropriate locations on campus, including, but not limited to, the institution's website. The Policy Commission will publish a consolidated calendar outlining campus closure dates and holidays, as well as other significant events or deadlines.~~

§133-14-6. SECTION 6. Policy Commission and West Virginia Network for Educational Telecomputing.

6.1. The Chancellor shall determine the holiday schedule for the staff of the ~~Policy~~ Commission and WVNET.