



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

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

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

December 1, 2019

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
HOLIDAYS

§133-14-1. 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. -- October 31, 2019.

1.4. Effective Date. -- December 1, 2019.

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

§133-14-2. 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. 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. 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. Schedules.

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

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5.2. The president of each institution shall assure that the list is posted in appropriate locations on campus, including, but not limited to, the institution's website.

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

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