

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2002 JAN 24 P 1:30

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Procedural CITE AUTHORITY: §18B-1-6

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: Series 14

TITLE OF RULE BEING PROPOSED: Holidays

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 February 24, 2002 AT 10:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

~~Office of the Chancellor~~
Higher Education Policy Commission
1018 Kanawha Blvd. East
Charleston, WV 25301

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL





WEST VIRGINIA
H I G H E R
E D U C A T I O N
P O L I C Y
C O M M I S S I O N

John R. Hoblitzell
Chairman

J. Michael Mullen
Chancellor

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2002 JAN 24 P 1:30

OFFICE WEST VIRGINIA
SECRETARY OF STATE

January 23, 2002

The Honorable Joe Manchin
Secretary of State
State Capitol
Charleston, WV 25305


Dear Secretary Manchin:

On behalf of the Higher Education Policy Commission, I am forwarding notices of a public comment period on the following proposed rules that were approved on January 18, 2002, by the Higher Education Policy Commission:

Title 133, Series 13: Change in Organization of Colleges or Schools
Title 133, Series 14: Holidays

Also enclosed is an amendment to Title 133, Series 1, Emergency Rule: Performance Indicators, which has been amended consistent with the proposed legislative rule recently approved by LOCEA.

Sincerely,


J. Michael Mullen
Chancellor

/jd

TITLE 133

FILED

PROCEDURAL RULE

2002 JAN 24 P 1:30

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 14

TITLE: HOLIDAYS

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 -
- 1.4 Effective Date –

SECTION 2. GRANTING POWER

2.1 The Policy 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.

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.

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.

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. The Policy Commission will publish a consolidated calendar outlining campus closure dates and holidays, as well as other significant events or deadlines.

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.

**SUMMARY
TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
SERIES 14
TITLE: HOLIDAYS**

This rule set the number of holidays in the state system of higher education and establishes a procedures for each institution to follow in determining the dates of the holidays. There are six specified holidays for all institutions, plus additional days for statewide elections. An additional six holidays may be determined by the institutional governing board or president.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-14: Holidays

Type of Rule: Legislative Interpretive Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Boulevard East
Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There is no cost to implementation of this rule. It is procedural.

3. Objectives of These Rules:

To set the number of holidays observed by public institutions of higher education and to establish a process for the institutions to determine the dates of their holidays.

Rule Title: 133-14: Holidays

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: January 23, 2002

Signature of Agency Head or Authorized Representative:

J Michael Muller