

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

Form #5

Do Not Mark In This Box

FILED

2002 MAR 19 P 3:59

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

CITE AUTHORITY: W.Va. Code §18B-1-6

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS April 19, 2002


Authorized Signature

SCANNED

\$2.60



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. Hobfitzell
Chairman

J. Michael Mullen
Chancellor

FILED

2002 MAR 19 P 3:58

OFFICE WEST VIRGINIA
SECRETARY OF STATE

March 19, 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 filing notices of adoption of the following proposed rules that were approved on March 15, 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 are notices of a public comment period on the following proposed rules that were approved on March 15, 2002, by the Higher Education Policy Commission:

Title 133, Series 15: Acceptance of Advanced Placement Credit
Title 133, Series 16: College Level Examination Program
Title 133, Series 17: Transferability of Credits and Grades at the Undergraduate Level
Title 133, Series 18: Assignment of Academic Credit and Financing Noncredit Instruction

Sincerely,


J. Michael Mullen
Chancellor

/jd

TITLE 133

PROCEDURAL RULE

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 14

TITLE: HOLIDAYS

FILED

2002 MAR 19 P 3:59

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

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.