

COMMENTS RECEIVED REGARDING BOG AND TALENT & CULTURE RULE 3.5

Comment No.	Date Received	Proposed Rule	Comment	Determination Made
1	6/16/25	BOG Talent & Culture Rule 3.5 – Employee Leave	Good morning, Can you please provide the rationale/reasoning for changing the decision-making authority from the employee to the University in section 3.5 (lump pay vs terminal leave period) for paying out annual leave? Thank you!	It was determined that a modification to WVU BOG Talent & Culture Rule 3.5 was not needed in response to this comment.
2	6/16/25	BOG Talent & Culture Rule 3.5 – Employee Leave	This provides outgoing employees with less autonomy and I am opposed for that reason, regardless of the cost-savings to the University. An employee who is intending to depart the University might opt to take annual leave after their final day on-site, in order to lengthen health care benefits as a stop gap between their new appointment. This completely takes that decision and flexibility from the employee, who has provided service to the University. I support the previous model instead that has the employee make a decision about what best fits their specific situation, rather than the University being the decision-maker of what benefits the University most financially.	It was determined that a modification to WVU BOG Talent & Culture Rule 3.5 was not needed in response to this comment.
3	6/16/25	BOG Talent & Culture Rule 3.5 – Employee Leave	I find the change in language for 3.5 may not be supportive of the employee. The way it reads is that the University gets to choose how the leave is paid out, not the employee. Can you comment on the reasoning for this change?	It was determined that a modification to WVU BOG Talent & Culture Rule 3.5 was not needed in response to this comment.
4	6/16/25	BOG Talent & Culture Rule 3.5 – Employee Leave	Removing the option for the employee to decide to stay on payroll is hurtful to the employee. Staying on payroll means continuing health insurance longer. This is important when employees leaving or being laid off have waiting periods for insurance at new jobs or to reduce costs from COBRA benefits.	It was determined that a modification to WVU BOG Talent & Culture Rule 3.5 was not needed in response to this comment.

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5	6/16/25	BOG Talent & Culture Rule 3.5 – Employee Leave	I'm currently an employee. I am not in favor of the proposed changes. The employee should have the right to make the decision. We've worked and banked this time knowing we could make decisions on how it will be utilized. This change removes this decision making right.	It was determined that a modification to WVU BOG Talent & Culture Rule 3.5 was not needed in response to this comment.
6	6/16/25	BOG Talent & Culture Rule 3.5 – Employee Leave	Why is the choice of lump sum or terminal leave period payout being taken from the employees? There might be reasons that an employee would find one or the other more beneficial for tax purposes, etc. The rest of the changes seem fine, but that one is not.	It was determined that a modification to WVU BOG Talent & Culture Rule 3.5 was not needed in response to this comment.
7	6/24/25	BOG Talent & Culture Rule 3.5 – Employee Leave	New section 2.2.7 allows the university "in its sole discretion," to opt to transfer leave credit with employees who transfer positions between university entities rather than pay out accrued leave. This seems like a logical approach. However, in the event that the employee has accrued more leave than their new position allows, the excess transferred leave must be used within 90 days. As written, this lacks clarity on what happens to excess leave not used within that 90-day period. I suspect the university intends to make the employee forfeit that previously accrued leave. If this is the intent of the university, I am highly opposed to it, as it strips the employee of an accrued asset without compensation, essentially revoking previously earned compensation. I recommend a modification to this section, such that the section specifies that any excess leave accrued in the prior position not used within the 90-day period receives a payment for that excess leave, similar to what would happen if the employee had left the old position under any other circumstance. The employees should not be penalized simply because their new position happens to still be at the university! I also note that new section 2.2.7 is inconsistent with section 3.5, that latter of which permits employees moving to other state agencies to choose whether to transfer accrued leave or accept payment. As WVU is a state entity, section 3.5 would suggest that the employee chooses whether to transfer leave or accept payment, where as section 2.2.7 indicates that that the employee has no such choice and instead the university has sole discretion. I recommend modification of either 2.2.7 or 3.5 to maintain internal consistency. The modification to section 3.5 shifts all decision-making power in the event of termination of services, except in cases where the employee is transferring to another state entity, from the employee to the university. This is a blatant stripping of a right currently held by the employees, and the employees get absolutely nothing in return for being forced to give up this right. I therefore oppose the proposed modification to section 3.5. I support the modification to section 3.5.1, clarifying the method of payment in event of death of the employee	The following edit was made to BOG Talent & Culture Rule 3.5 in response to this comment: <u>2.2.7 For individuals that have accepted a leave eligible position with the University and are immediately leaving a leave eligible position at an Affiliated Entity, the University, in its sole discretion, may agree to transfer and credit the individual's leave balances at the University and consider that leave accrued. At the time of transfer, the University shall evaluate the type of leave accrued by the individual at the Affiliated Entity and shall determine which University leave bank, sick or annual leave, will be credited. The leave will be considered accrued upon the start of employment and may be used in accordance with this BOG Rule 3.5. The transfer and credit will be made at a 1 hour to 1 hour ratio. Leave accrued pursuant to this Section 2.2.7 may temporarily exceed the leave</u>

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				<u>accrual limit established in Section 3.3, but leave accrued beyond the accrual limit must be used within ninety (90) days from the individual's start of employment and the accrual limits may not be exceeded beyond that point.</u>
8	7/8/25	BOG Talent & Culture Rule 3.5 – Employee Leave	Thank you for the opportunity to review the proposed revision to BOG Talent and Culture Rule 3.5. There are at least two challenges I see with the proposed revision First, the proposed language does not make the criteria clear how the University will determine whether the employee will receive a lump sum payout or remain on payroll. Those criteria should be listed as part of the revision and not be opaque. Otherwise, decisions could be challenged as capricious and arbitrary, especially in situations where one employee is permitted to receive a lump sum payout and another is denied. The second challenge is more philosophical in nature. However, like social security, an employee has earned whatever leave they have accrued. Therefore, they should be entitled to determine how they would like to receive that earned time. Taking that decision making out of the hands of the employee and transferring it to the University does not seem ethical, especially in the absence of established, published criteria the University will use to make decisions. In sum, at the very minimum, the University should establish and add very clear criteria to the rule it will use to make the decisions if the current revisions are approved. If not, I am not supportive of the current revisions as written.	It was determined that a modification to WVU BOG Talent & Culture Rule 3.5 was not needed in response to this comment.