



## Executive Order 83-20 2020-2021 Annual Leave Carry-Forward FAQ

Issued December 21, 2020, Executive Order (EO) 83-20 orders designated employees of state agencies who, due to their direct involvement in the pandemic response, were unable to use annual leave during the 2020 calendar year and subject to losing such annual leave may carry-forward the balance of unused annual leave until calendar year 2025. The purpose of this document is to provide guidance on some of the most frequently asked questions regarding EO 83-20.

1. To which agencies does EO 83-20 apply?

EO 83-20 applies to all state agencies and supersedes previously declared EO 67-20, 69-20, 76-20 and section 1 of EO 72-20.

2. Who determines which employees were directly involved in the pandemic response and if they are eligible to carry-forward annual leave under EO 83-20?

The discretion to designate agency employees who they consider to be directly involved with the pandemic and are eligible to carry-forward some portion of unused annual leave from calendar year 2020 to 2021 is that of the applicable secretary, commissioner, or other responsible agency head.

3. If an employee transfers to another agency, do the annual leave hours carried-forward transfer with them?

Under DOP's Administrative Rule, subsection 14.3.g when a classified employee transfers or otherwise changes employment from one agency to another, all service credit and accrued and unused annual leave shall be transferred. Annual leave accrued while in exempt or classified-exempt permanent employment shall be transferred to classified employment. Annual leave exceeding the maximum carry-forward rate pursuant to EO 83-20 would also transfer and remain subject to the provisions of the Order.

4. If an employee retires or separates prior to the 2025 expiration date can any unused balance of the annual leave carried-forward be paid out as terminal-annual or counted toward any benefit?

No. Under the terms of order 83-20, unused annual leave carried-forward from calendar year 2020 to 2021 and through 2024 shall not be counted toward any separation payment, retirement, increment credit or other benefit upon separation from state employment.

5. EO 83-20 provides annual leave carried-forward from calendar year 2020 to 2021 expires in 2025. Does this mean that the maximum carry-forward rate is suspended for the designated employees until 2025?

EO 83-20 is only valid during the State of Emergency so the maximum carry-forward rate is not suspended each year. However, employees who carry-forward annual leave unused in calendar year 2020 into 2021 may continue to carry-forward the unused 2020 balance until 2025.

6. How does an agency track the unused balance through 2025?

A spreadsheet of annual leave balances was provided to agency Payroll Administrators by the State Auditor's Office. Agencies are responsible to comply with the executive order and track annual leave eligible for carry-forward on January 1, 2021, in accordance with their department policies and procedures.

To assist in tracking these hours, an Executive Order Bank is available in Kronos. Agencies electing to use the Executive Order Bank must transfer the hours of annual leave approved to carry-forward from the existing annual leave balance to the annual leave Bank. Annual leave can be drawn from the Executive Order Bank by using the code EXORD. For assistance with the Executive Order Bank, please contact [kronos@wvoasis.gov](mailto:kronos@wvoasis.gov).