west virginia DIVISION OF PERSONNEL | POLICY

EDUCATION EXPENSE REIMBURSEMENT/LEAVE PROGRAM

I. PURPOSE

The purpose of this policy is to provide guidelines for establishment of Education Expense Reimbursement and Leave (EERL) programs.

II. DEFINITIONS

A. Appointing Authority: The executive head of a department or agency who is authorized by statute to appoint employees in the classified or classified-exempt service. By written notification to the Director of Personnel, the appointing authority may delegate specific powers authorized by the *Administrative Rule* of the Division of Personnel to persons who satisfy the definition of "employee" as established in the Rule.

B. Full-Time Employee: Any employee who works the full work schedule established for the agency.

C. Permanent Employee: Any classified employee who was hired from a register and who has completed the probationary period prescribed by the State Personnel Board for the job class or who was otherwise added to the classified service.

D. Subsidized Education Leave: Leave for advanced educational training in which the agency provides compensatory payment and is considered as continuous employment, except that employees while on educational leave shall not accrue sick leave or annual leave, nor are the employees eligible for salary advancements.

E. Work Schedule Adjustment: Modification to the designated periods of time during which work is to be performed.

III. POLICY

A. With appropriate statutory authority, an appointing authority may reimburse employees for employment-related education expenses and/or grant subsidized education leave subject to the terms and conditions of this policy and/or relevant statute when sufficient funds are available and when in the best interest of the agency. This policy does not apply to employees of affiliated county or municipal agencies.

1. The training/education must be directly related to maintaining or improving the employee's performance of his or her existing job responsibilities, except as provided in subsection III D. of this policy.

2. Such funds shall be expended, and such leaves shall be granted in a fair and equitable manner consistent with the mission of the agency and the agency's present and future staffing needs.

B. An appointing authority who chooses to reimburse education expenses and/or grant subsidized education leave shall establish an EERL program in accordance with the provisions contained

herein. An appointing authority establishing an EERL program shall submit the policy to the Division of Personnel a minimum of sixty (60) calendar days prior to the effective date for review.

1. Programs may be more restrictive than provided herein but cannot be less restrictive.

2. Each program shall include the following components:

    a. Selection Committee

        1) Each EERL program shall include a Selection Committee, which shall be comprised of at least three employees who are appointed by either the Cabinet Secretary or the appointing authority.

        2) Two (2) members shall be supervisors or managers, while one (1) member shall be a line employee.

        3) Appointing authorities should submit EERL applications and relevant information to the Selection Committee to review for policy compliance.

        4) The Selection Committee shall meet in order to review education expense reimbursement requests within established and communicated EERL program deadlines.

        5) Applicants shall be notified in writing of the Selection Committee's decision regarding program acceptance or rejection prior to course enrollment or as soon as possible.

        6) Upon approval of the application, an agreement shall be executed and processed as determined by the appointing authority.

    b. Evaluation Criteria - The Selection Committee should work directly with the appointing authority to apply evaluation criteria which **SHALL**:

        1) Provide a method for establishing a direct relationship of the training/education to maintaining or improving the employee's performance of his or her existing job responsibilities. Elective courses must also have a direct relationship to existing job responsibilities to be considered for reimbursement of education expenses unless such electives are required to complete an approved degree/diploma program.

        2) Provide a method for establishing a direct relationship of the training/education to the agency's statutory mission.

        3) Require that colleges or universities be accredited by any one of the national accrediting agencies recognized by the U.S. Department of Education. Vocational and nursing education programs must be approved by the West Virginia Department of Education. A list of nationally recognized accrediting agencies is provided on the U.S. Department of Education website.

        4) Prohibit consideration of race, color, national origin, ancestry, genetic information, age, disability, marital status, religion, creed, sex, military status, political affiliation, or other reasons explicitly prohibited in federal and/or State law.

    c. Eligibility Requirements

        1) Program eligibility shall be limited to full-time permanent employees.

2) Employees who have been authorized for subsidized education leave but who fail to satisfy the minimum academic (grade) or completion (audit) standards as provided in subdivision III.C.1.b., withdraw from a course during subsidized education leave, and/or fail to provide sufficient documentation to substantiate such success, shall be barred from future program participation for a minimum of one calendar year from the date the subsidized education leave ended and shall be required to reimburse the appointing authority for the subsidization received.

3) Employers shall not reimburse funds in excess of actual authorized costs incurred. Employees who submit false information pertaining to education expense reimbursement or subsidized education leave shall be:

a) required to repay any monies received as a result of the false information;

b) temporarily or permanently ineligible for future participation; and/or,

c) subject to disciplinary action up to and including dismissal.

d. Application Procedures and Forms

1) Advance authorization is required for education expense reimbursement and/or subsidized education leave. Employees enrolling for courses prior to receiving written approval accept full responsibility for payment of financial obligations incurred if not approved.

2) Employees must notify the appointing authority or designee of any changes made after the initial application in order for those changes to be considered. Failure to notify the appointing authority of course changes may result in denial of reimbursement and/or subsidized education leave.

3) Appointing authorities may develop agency-specific forms and direct their use for the EERL program provided such forms are consistent with and contain all information included in the Division of Personnel forms. In the absence of agency-specific EERL forms, employees shall use the application for education expense reimbursement, request for education expense reimbursement payment, application for subsidized education leave, and education expense reimbursement agreement forms developed by the Division of Personnel (see attached Forms EERL A-1, A-2, B, and C) in all EERL programs. Employees shall submit the forms to their supervisor as follows:

a) Forms EERL-A1, EERL-B, if applicable, and EERL-C as well as an official paid tuition statement shall be submitted to the supervisor in accordance with the guidelines developed by the Selection Committee.

b) Form EERL-A2 shall be submitted to the supervisor no later than thirty (30) calendar days after receipt of the final grade report for all courses for which education expense reimbursement is being requested. The final grade report must be attached to Form EERL-A2 upon submission. The supervisor shall submit the documentation to the appointing authority or her or his designee for review prior to payment.

C. Education Expense Reimbursement and Leave Procedures

1. Education expense reimbursement shall be limited to the routine costs normally associated with enrollment in a traditional course of instruction such as tuition and related fees, even if

the course is on-line. Appointing authorities may establish reimbursement limits as well as lifetime maximum reimbursement levels.

a. Such funds shall NOT cover payment of: finance charges/interest; books; transportation costs; parking fees; late fees; discretionary activities and/or program fees; supplies; room or board; the issuance or renewal of any license, registration, or certification; subscription to any professional/technical publication (e.g., magazine, journal, newsletter, etc.); membership in any professional/technical group or organization; costs associated with the attendance (registration) at any conference, convention, or meeting of any group or organization; or any other expense, fee, and/or cost deemed not normally associated with enrollment in a traditional course of instruction as determined by the Selection Committee.

b. For reimbursement, an employee must receive a course grade of at least "C" (or its equivalent) for undergraduate classes, or accredited vocational courses, and a grade of at least "B" (or its equivalent) for graduate and terminal degree classes. Documentation of completion is all that is necessary to receive reimbursement for auditing a course.

    1) The employee must submit a copy of an official document reflecting the final grade for reimbursement.

    2) If documentation of the final grade is not submitted within the established timeframe or a course grade as indicated above is not achieved, all costs associated with the educational training are the responsibility of the employee. The appointing authority shall notify the employee in writing of the action(s) taken as a result of her or his inability to fulfill the requirements.

c. Employees are required to disclose all information regarding the receipt of financial aid regardless of the source of funding.

    1) The appointing authority must consider the applicability of other financial aid received to eligible reimbursement costs. Employees shall not profit financially from education expense reimbursement.

    2) Employers shall not reimburse funds in excess of actual authorized costs incurred.

d. Appointing authorities may grant employees leave with pay in accordance with subsection 14.11 of the *Administrative Rule* provided that each approved request does not exceed twelve (12) months.

    1) An appointing authority may restrict or refuse to grant subsidized education leave and, instead, authorize personal leave of absence without pay under subdivision 14.8(a) of the *Administrative Rule*, or authorize work schedule adjustments to permit employees to pursue educational endeavors.

    2) Employees requesting subsidized education leave must provide proof that the educational activity (e.g., class, course, seminar, workshop, etc.) for which paid leave is sought is not offered during non-work hours, even after schedule adjustment, at any institution of higher education or vocational education located within a fifty-mile (50) radius of the place of employment or on-line.

e. Employee Obligation

    1) If an employee has requested education expense reimbursement and/or subsidized education leave and the appointing authority has approved the request, the

employee is required to work one (1) month for each credit hour after the semester for which reimbursement and/or subsidization is received. For example, three (3) hours credit would obligate the employee for three (3) months of full-time employment after completion of the course. Employees must provide documentation from vocational institutions wherein the institution converts clock hours to credit hours in order to satisfy EERL program requirements. Partial reimbursement results in pro-rata application of this provision. Time spent on leave of absence without pay is not credited toward fulfillment of this requirement.

2) If an employee leaves an agency voluntarily, he or she must reimburse the agency on a pro-rata basis for the remaining balance of obligated months of employment based on the amount of education expense reimbursement and subsidization received. If the employee transfers to another agency the employing agency may, at its discretion and with approval of the Selection Committee, assume the liability by reimbursing the transferring agency for the remaining balance and executing an education expense reimbursement agreement with the employee.

3) If an employee leaves an agency involuntarily, no reimbursement is required, unless the cause of separation was a dismissal.

D. Other Statutory Provisions

1. Where specific statutory authority for education expense reimbursement or subsidized education leave exists, such statute(s) shall take precedence when in conflict with this policy.

2. Under certain circumstances, the Internal Revenue Service may consider education subsidies as income for tax purposes. Appointing authorities and employees are responsible for complying with federal and/or State rules regarding taxable and non-taxable education subsidy income.

IV. REFERENCES

A. West Virginia Code § 29-6-7(b)(6).

B. Attorney General Opinion, dated July 2, 1993.

C. West Virginia Division of Personnel *Administrative Rule*, subsections 14.8(a), Personal Leave, and 14.11, Education Leave.

D. Forms EERL A-1, A-2, B, and C.

V. EFFECTIVE DATE: August 1, 1996.

VI. REVISIONS

A. Previous Revisions: April 1, 2004, August 1, 2005, and July 1, 2012.

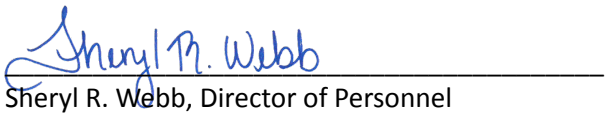
B. Latest Revision: August 5, 2021.

VII. POLICY NUMBER: DOP-P16.

VIII. DISCLAIMER: If there is no specific statutory authority regarding education expense reimbursement or subsidized education leave, agencies should consult the West Virginia State Auditor's Office

before approving any requests for reimbursement and/or subsidy. This policy is not intended to be a contract with the employee.

Approved and Issued By:



Sheryl R. Webb, Director of Personnel
Date Signed: July 22, 2021