

**TITLE 143
INTERPRETIVE RULE
WEST VIRGINIA DIVISION OF PERSONNEL**

**SERIES 5
PAID LEAVE FOR ORGAN DONATION**

§143-5-1. General.

1.1. Scope. -- This interpretive rule relates to paid leave for kidney, liver, or bone marrow donations as provided in West Virginia Code §29-6-28, and the Division of Personnel's position in the administration of these provisions.

1.2. Authority and Related Code Citation. -- W. Va. Code §§29-6-28 and 29-6-10.

1.3. Filing Date. -- October 25, 2005.

1.4. Effective Date. -- November 25, 2005.

§143-5-2. Definitions.

Terms used in this rule which are not specifically defined in this section have the meaning given in the Administrative Rule of the West Virginia Division of Personnel, 143CSR1.

2.1. Full-time employee means an employee of the State of West Virginia whose term of employment is not of a limited duration and who works at least 1,040 hours per year. Generally, this means State employees who are eligible for participation in an insurance program of the Public Employees Insurance Agency and who are required to participate in a retirement program administered by the Consolidated Public Retirement Board.

2.2. Organ donation means the donation of an adult kidney, a portion of an adult liver, or adult bone marrow, including pre-operative testing to determine the potential donor's surgical fitness and compatibility.

§143-5-3. Provisions and Requirements.

3.1. During any calendar year, a full-time State employee is eligible to receive paid leave for the purpose of making an organ donation.

3.2. An employee is eligible to receive up to 120 hours of paid leave for the donation of an adult kidney or portion of an adult liver, and up to 56 hours of paid leave for an adult bone marrow donation.

3.2.1. An employee is eligible to receive paid leave for the time required to determine surgical fitness and compatibility as a potential donor, as verified by a physician or medical practitioner, even if subsequently found to be surgically unfit or incompatible, or if the organ donation does not occur.

3.2.2. An employee who works less than an agency's full-time schedule, but satisfies the definition of full-time employee in Section 2.1 above, is eligible to receive paid leave for an organ donation on a pro-rata basis, consistent with leave accrual provisions of CSR 143-1-14.

3.2.3. The leave may be requested and taken intermittently as needed and verified by a physician

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or medical practitioner.

3.2.4. The paid leave for pre-operative testing and/or organ donation is separate and apart from an employee's accrued annual and/or sick leave and is not to be charged against either.

3.3. The employee must request paid leave and provide verification of the pre-operative testing and/or organ donation on the forms prescribed by the Division of Personnel.