

**EDUCATION EXPENSE REIMBURSEMENT/LEAVE PROGRAM**

- I. **PURPOSE:** The purpose of this policy is to provide guidelines for establishment of Educational Expense Reimbursement and Leave (EERL) programs.

II. DEFINITIONS

- A. **Appointing Authority:** The executive or administrative head of an 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. **Classified-Exempt Service:** As established by statute, those positions which satisfy the definitions for “class” and “classify” but which are not covered under the Division of Personnel or the State institutions of higher education merit systems.
- C. **Full-Time Employee:** Any employee who works the full work schedule established for the agency.
- D. **Permanent Employee:** Any employee who was hired from a register and who has completed the probationary period prescribed by the State Personnel Board for the job class.
- 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 educational expenses and/or grant educational leaves with pay 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.
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 Section 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 educational expenses and/or grant educational leaves with pay shall establish an EERL program in accordance with the provisions contained herein.
1. Programs may be more restrictive than provided herein, but cannot be less restrictive.
 2. Such a program shall include the following components:



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a. Selection Committee

- 1) Each EERL program may include a Selection Committee, which should be comprised of at least three employees who are appointed by either the Cabinet Secretary or the appointing authority.
- 2) Two members should be supervisors or managers, while one member shall be a line employee.
- 3) Appointing authorities should submit information to the Selection Committee to review for policy compliance.
- 4) The Selection Committee shall meet at regular intervals in order to review reimbursement requests prior to established and communicated EERL program enrollment deadlines.
- 5) Employees shall be notified by the Selection Committee in writing of program acceptance or rejection prior to course enrollment. Employees enrolling for courses prior to receiving written approval accept full responsibility for payment of financial obligations incurred if not approved.
- 6) The deadline for application shall be announced through the process normally utilized by the department or agency for such employee notifications.

b. Evaluation Criteria

- 1) The Selection Committee should work directly with the appointing authority to apply evaluation criteria which **SHALL**:
 - a) Provide a method for establishing a direct relationship to maintaining or improving the employee's performance of his or her existing job responsibilities.
 - b) Provide a method for establishing a direct relationship to the agency's statutory mission.
 - c) Require that colleges or universities must be accredited by any one of the regional institutional accrediting bodies and vocational institutions must be approved by the West Virginia Department of Education.
 - d) Prohibit consideration of race, color, national origin, age, disability, marital status, religion, creed, gender, military status, or political affiliation.

c. Eligibility Requirements

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



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- 2) Employees who have been authorized educational reimbursement or leave with pay but who fail to satisfy the minimum academic (grade) or completion (audit) standards and/or fail to provide sufficient documentation to substantiate such success, shall be barred from future program participation for a period of one calendar year from the date of the beginning of the school term for which educational reimbursement or leave was sought and denied.

- d. Application Procedures and Forms
 - 1) Advance authorization is required for educational expense reimbursement and/or leave.
 - 2) Employees shall use the application for reimbursement, request for reimbursement payment, application for leave with pay, and reimbursement agreement forms developed by the Division of Personnel (see Forms EERL A-1, A-2, B, and C attached) 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 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 within ten calendar days after receipt of the final grade report for all courses for which reimbursement is being requested. The final grade report must be attached to Form EERL-A2 upon submission.
 - c) Appointing authorities may develop agency-specific forms for the EERL program provided such forms are consistent with and contain all information included in the Division of Personnel forms.

C. Reimbursement and Leave Procedures

- 1. 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 and supplies.
 - a. Such funds shall NOT cover payment of: books; transportation costs; parking fees; 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; or the costs associated with the attendance (registration) at any conference, convention, or meeting of any group or organization.
 - b. For reimbursement, an employee must receive a course grade of "C" (or its equivalent) for undergraduate classes, or business or accredited trade courses, and a grade of "B" (or its equivalent) for graduate classes.
 - 1) The employee must submit a copy of the final grade for reimbursement.



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- 2) If a copy of the final grade is not submitted or a course grade as indicated above is not achieved, all costs associated with the educational training are the responsibility of the employee.
- 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.
 - 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 Section 14.11 of the Division of Personnel's *Administrative Rule* provided that each approved request does not exceed 12 months.
 - 1) An appointing authority may restrict or refuse to grant educational leave of absences with pay and, instead, authorize personal leaves of absence without pay under Section 14.8(a) of the *Administrative Rule*.
 - 2) In addition, appointing authorities may authorize work schedule adjustments to permit employees to pursue educational endeavors.
 - 3) Employees requesting an educational leave with pay 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 at any institution of higher education located within a fifty mile radius of the place of employment.
- e. Employee Obligation
 - 1) If an employee has requested educational leave/expense reimbursement and the appointing authority has approved the request, the employee is required to work one month for each credit hour. For example, three hours credit would obligate the employee for three months employment after completion of the course. Partial reimbursement results in pro-rata application of this provision.
 - 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 reimbursed expenses.
 - 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 educational expense reimbursement or educational leave with pay exists, such statute(s) shall take precedence when in conflict with this policy.



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- 2. Under certain circumstances, the Internal Revenue Service may consider educational subsidies income for tax purposes. Appointing authorities and employees are responsible for complying with federal and/or State regulations regarding taxable and non-taxable educational 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*, Sections 14.8(a), Leave of Absence Without Pay, 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 Revision: April 1, 2004.
- B. Latest Revision: August 1, 2005.

VII. POLICY NUMBER: DOP-P16.

VIII. DISCLAIMER: If there is no specific statutory authority regarding paid educational leave or expense reimbursement, agencies should consult the Auditor’s Office before approving any requests for reimbursement. This policy is not intended to be a contract with the employee.

Approved and Issued By:

Willard M. Farley, Acting Director of Personnel
Date Signed: August 1, 2005.