

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Walsh v. Jefferson Memorial Hospital

214 W. Va. 385 (2003) · Decided November 10, 2003

SUMMARY

The West Virginia Supreme Court of Appeals affirmed summary judgment for Jefferson Memorial Hospital in consolidated actions seeking payment for unused sick leave under the West Virginia Wage Payment and Collection Act. The court held that the hospital's revised personnel policy clearly limited previously accrued sick leave to use for employee illness and did not require payment upon separation from employment.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam
JURISDICTION	West Virginia
DECIDED	November 10, 2003
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated appeal from orders granting the Hospital's motions for summary judgment in two actions seeking payment for accrued but unused sick leave under the West Virginia Wage Payment and Collection Act.
STANDARD OF REVIEW	Summary judgment is reviewed de novo when there are no disputed material facts and the issue presented is a question of law.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Appeals of West Virginia; precedential.
PARTIES	Patricia McDowell, Sydney Walsh v. Jefferson Memorial Hospital

TOPICS

- wage and hour
- employment law
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

- employment law
- wage and hour

QUESTIONS PRESENTED

1. Whether the Hospital's June 11, 1999, personnel policy was ambiguous regarding whether sick leave accrued under the former policy was payable upon separation from employment under the West Virginia Wage Payment and Collection Act.
2. Whether the Circuit Court properly granted summary judgment to Jefferson Memorial Hospital.

HOLDINGS

1. The revised personnel policy was clear and unambiguous: sick leave accumulated under the former policy could be used only for employee illness and was not payable to employees upon separation from employment.
2. Summary judgment for Jefferson Memorial Hospital was proper because there was no genuine dispute of material fact and the Hospital was entitled to judgment as a matter of law.

KEY QUOTATIONS

“Terms of employment concerning the payment of unused fringe benefits to employees must be express and specific so that employees understand the amount of unused fringe benefit pay, if any, owed to them upon separation from employment.” (388)

“This accumulated sick leave can only be used for employee illness.” (389)

“We concur with the circuit court’s finding that the new policy language is not ambiguous or misleading as to whether sick leave accumulated under the former policy would be paid to departing employees and with the lower court’s ultimate conclusion that compensation was not wrongly withheld.” (389)

FACTUAL BACKGROUND

Patricia McDowell and Sydney Walsh were former employees of Jefferson Memorial Hospital who had accrued substantial amounts of unused sick leave before separating from employment in 2000. Under the Hospital's pre-June 11, 1999, policy, unused sick leave was expressly not payable as a severance benefit. The Hospital's revised policy replaced the prior leave categories with annual paid leave but preserved previously accumulated sick leave, stating that it could be used only for employee illness. The Hospital refused to pay the accrued sick leave upon the employees' separation.

PROCEDURAL HISTORY

McDowell and Walsh sued Jefferson Memorial Hospital after the Hospital refused to pay them for sick leave accrued under a former personnel policy. Following discovery, the parties filed cross-motions for summary judgment. The Circuit Court of Jefferson County entered separate orders on July 12, 2002, granting summary judgment to the Hospital, and the Supreme Court of Appeals of West Virginia granted and consolidated the appeals.

DISPOSITION

affirmed

CASES CITED

- *Mandolidis v. Elkins Industries, Inc.*, 161 W. Va. 695, 246 S.E.2d 907 (1978)
- *Painter v. Peavy*, 192 W. Va. 189, 451 S.E.2d 755 (1994)
- *Mullins v. Venable*, 171 W. Va. 92, 297 S.E.2d 866 (1982)
- *Jones v. Tri-County Growers, Inc.*, 179 W. Va. 218, 366 S.E.2d 726 (1988)
- *Lipscomb v. Tucker County Commission*, 206 W. Va. 627, 527 S.E.2d 171 (1999)
- *Meadows v. Wal-Mart Stores, Inc.*, 207 W. Va. 203, 530 S.E.2d 676 (1999)

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