

State of West Virginia Division of Juvenile Services

A Division of Department of Military Affairs and Public Safety

EMPLOYEE HANDBOOK



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STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY
DIVISION OF JUVENILE SERVICES

INTRODUCTION

The West Virginia Division of Juvenile Services was formed as a result of House Bill 2680 which passed on April 12, 1997, and became effective July 1, 1997. The division began operations on November 1, 1997.

The purpose of the West Virginia Division of Juvenile Services is to serve the changing needs of youth in the juvenile justice system. This includes the responsibility of operating and maintaining pre-dispositional juvenile centers, juvenile correctional centers, diagnostic centers, youth reporting centers and aftercare programs.

The Division of Juvenile Services mission is committed to providing effective, beneficial services to youth in the Juvenile Justice system that promote positive development and accountability, while preserving community safety, and sustaining a work environment predicated upon principles of professionalism, with dignity and respect for all.

The following pages in this handbook contain information that may be useful to you during your employment with the West Virginia Division of Juvenile Services.

This handbook is not to be considered a contract or promise of employment and is provided as a matter of information only.



Guiding Principals

We are committed

to accomplishing our mission with integrity and ethical behavior while recognizing strength of diversity in employees and juveniles.

to professionalism through competency accountability, staff development and pride in quality work.

to promoting an environment in which all individuals are treated with dignity and respect.

to ongoing assessment and evaluation of all programs and services to ensure their effectiveness.

to the development of skills in juveniles and their resocialization through the preservation of families and community collaboration.

to open communication internally and externally to ensure employee and public understanding and support.

About our Juvenile Centers.....

Rehabilitation Facilities

Rehabilitation facilities provide a safe and secure environment for youth who have been sentenced to a State facility, staff of the facilities, and the community. Specialized units within these facilities provide positive development programs that will provide opportunity for rehabilitation of youth for return to the community as responsible productive citizens.

- Donald R. Kuhn Juvenile Center—Julian, Boone County (maximum security—boys)
- Kenneth “Honey” Rubenstein Juvenile Center—Davis, Tucker County (minimum security—boys)
- Sam Perdue Juvenile Center—Princeton, Mercer County (sex offender unit)
- Ron Mulholland Juvenile Center—Wheeling, Ohio County (maximum security—girls) (contracted)
- J.M. “Chick” Buckbee Juvenile Center—Augusta, Hampshire County (medium security-boys)

Detention Facilities

The mission of the detention facilities is to ensure a safe, secure environment while providing with sufficient space for pre-dispositional youth, with quality services and progressive programming to achieve positive outcomes for detention residents.

- J. M. “Chick” Buckbee Juvenile Center—Augusta, Hampshire County
- James H. “Tiger” Morton Juvenile Center—Dunbar, Kanawha County
- Sam Perdue Juvenile Center—Princeton, Mercer County (sex offender charges only)
- Lorrie Yeager Jr. Juvenile Center—Parkersburg, Wood County
- Donald R. Kuhn Detention Center—Julian, Boone County
- Gene Spadaro Juvenile Center—Mt. Hope, Fayette County
- Vickie V. Douglas Juvenile Center—Martinsburg, Berkeley County
- Robert L. Shell Juvenile Center—Barboursville, Cabell County (diagnostic)
- Ron Mulholland Juvenile Center-Wheeling, Ohio County (contracted)

Diagnostic Facility

- Robert Shell Juvenile Center—Barboursville, Cabell County

We provide a 30-day comprehensive diagnostic process for adjudicated youth from all 55 West Virginia counties. The Diagnostic Center Comprehensive Evaluation includes a Social History, Psychological Evaluation, Educational Report, Medical Evaluation, MDT Report and placement recommendations. The entire Comprehensive Evaluation is sent to the Circuit Court Judge and Probation Officer to assist the court in deciding the most appropriate dispositional decision. Residents who leave our facility may:

1. Return to their home community on a strict period of probation,
2. Be placed in the custody of the Department of Health and Human Resources for purposes of placement in a group home or residential treatment facility, or
3. Be committed to the Division to meet their individualized treatment needs.

Youth Reporting Centers

Youth Reporting Centers are community based, nonresidential, intermediate sanction strategies as well as an intervention program that provides consequences to youthful offenders at risk for out-of-home placement and/or part of their reintegration into the community from placement. The program is created to hold court-involved and court-diverted youth accountable for their deviant/criminal behavior in a controlled, intense treatment environment while they continue their education and take part in services designed to meet their individual needs.

- Brooke / Hancock Youth Reporting Center—Weirton
- STARS Youth Reporting Center—Martinsburg
- Jefferson County Youth Reporting Center—Ranson
- Cabell County Youth Reporting Center—Huntington
- Marion County Youth Reporting Center—Fairmont
- Kanawha County Youth Reporting Center—Charleston
- Putnam County Youth Reporting Center—Winfield
- Wood County Youth Reporting Center—Vienna
- Mercer County Youth Reporting Center—Princeton
- Mason County Youth Reporting Center—Pt. Pleasant
- Tri-County Youth Reporting Center—Madison (Boone/Logan)
- Harrison County Youth Reporting Center—Clarksburg
- Lincoln County Youth Reporting Center—Hamlin

Juvenile Facilities—Correctional and Detention

Kenneth Honey Rubenstein Center

Daniel Dilly, Superintendent
141 Forestry Camp Road, Davis, WV 26260
304.259.5241

Donald R. Kuhn Juvenile Center

Brian Seminie, Superintendent
One Lory Place, Julian, WV 25529
304.369.2976

Lorrie Yeager Jr., Juvenile Center

Travis White, Facility Director
907 Mission Drive, Parkersburg, WV 26101
304.420.4860

Sam Perdue Juvenile Center

Gary Patton, Facility Director
843 Shelter Road, Princeton, WV 24740
304.425.9721

James H. “Tiger” Morton Juvenile Center

Jeremy Dolin, Facility Director
60 Manfred Holland Way, Dunbar, WV 25064
304.766.2616

Ron Mohalland Juvenile Center

(Contracted with Youth Services Systems)
Linda Scott, Facility Director
1000 Chapline Street, Wheeling, WV 26003
304.232.3441

J. M. “Chick” Buckbee Juvenile Center

Barbara Spaid, Facility Director
One Jerry Lane, Augusta, WV 26704
304.496.1341

Vicki V. Douglas Juvenile Center

Adam Collis, Facility Director
900 Emmett Rousch Drive, Martinsburg, WV 25401
304.267.0164

Gene Spadaro Juvenile Center

Timothy Meadows, Facility Director
106 Martin Drive, Mt. Hope, WV 25880
304.877.6890

Robert L. Shell Juvenile Center

John Marchio, Facility Director
Two O’Hanlon Place, Barboursville, WV 25504
304.733.0871

Juvenile Facilities—Youth Reporting Centers

Brooke / Hancock Youth Reporting Center

3551 ½ Main Street
Weirton WV 26062
748-1490 / Fax: 748-3525
Counties served: Brooke / Hancock
Director: Marta McElhoes

STARS Youth Reporting Center

1014 South Raleigh Street
Martinsburg WV 25401
260-4365 / Fax: 260-4369
Counties served: Berkeley / Morgan
Director: Robin Mauck

Cabell County Youth Reporting Center

2850—5th Avenue
Huntington, WV 25702
528-5266 / 528-5267 / Fax: 525-8969
Director: Tiffany Cole

Marion County Youth Reporting Center

1116 Fairmont Avenue, Suite 3
Fairmont WV 26554
368-4460 / 368-4461 / 368-4462- Telephone
368-4463 - Fax
Director: Cheri Wilson

Kanawha County Youth Reporting Center

515 Central Avenue
Charleston WV 25302
558-1390 / 558-1391 / 558-1392 -Telephone
558-1393 - Fax
Director: John James

Wood County Youth Reporting Center

1400 12st Street
Vienna WV 26105
295-3024 / Fax: 295-3028
Director: Jackie Martin

Putnam County Youth Reporting Center

3266 Winfield Road
Winfield WV 25313
586-2055 / Fax: 586-2058
Director: Joshua Woods

Mercer County Youth Reporting Center

901 1/2 Shelter Road
Princeton, WV 24740
887-1502 / Fax: 425-5857
Director: Nolan Dempsey

Harrison County Youth Reporting Center

284 Factory Street, Suite 102
Clarksburg, WV 26301
627-2183 / Fax: 627-2182
Director: Kevin Kellar

Tri-County Youth Reporting Center

467 Main Street, Suite 400
Madison, WV 25130
369-8959 / 369-8949 / Fax: 369-8996
Counties served: Boone/Logan
Director: Scott Caldwell

Mason County Youth Reporting Center

2 Walden Roush Way
Pt. Pleasant, WV 25550
675-4835 / 675-4836 / Fax: 675-3619
Director: Juan McCabe

Lincoln County Youth Reporting Center

81 Lincoln Panther Way
Hamlin, WV 25523
824-6000 Ext. 1063 / Fax: 825-6053
Director: Mary Laster

Jefferson County Youth Reporting Center

1186 North Mildred Street, Suites 101 & 102
Ranson, WV 25438
724-6317 / 724-6317 / Fax: 724-8730
Director: Patricia Smith

Future Locations:

Fayette
Raleigh
Greenbrier
Monongalia
Wetzel

Section 1: Employee Responsibilities

1.1 Employee Personnel Files

DJS Reference—Policy #142.00

The Human Resource Director at the Division's Central Office and person(s) assigned responsibility for employee records at your facility will establish and maintain your permanent and confidential files. Your personnel files will contain copies of personnel transaction forms, benefit information, Employee Performance Appraisals, Criminal Investigative Background (CIB) reports, IRS and State tax forms, formal written discipline, awards and commendation letters, certificates of understanding, policy acknowledgments, and application for examinations, with supporting information. Medical documentation is maintained in a separate, confidential file. A request to inspect your personnel file must be submitted in writing to the HR Director and state the purpose for the review. Files may only be reviewed during regular business hours and will be in the presence of HR staff. It is the employee's responsibility to notify human resource personnel at their facility of any change in address and/or phone number.

1.2 Agency Dress Code

DJS Reference—Policies #134.00 and #135.00

DOP website: www.personnel.wv.gov/rules/policies/Pages/default.aspx - Agency Dress Codes

The Division requires that all employees dress in a clean and neat manner and have implemented policies concerning dress codes and grooming requirements. These policies were written to establish appropriate guidelines for all uniform and non-uniform employees and uniform requirements are determined by your position and the facility where you're assigned..

1.3 Drug- and Alcohol-Free Workplace

DJS Reference—Policy #145.00

DOP website: www.personnel.wv.gov/rules/policies/Pages/default.aspx - Drug- and Alcohol-Free Workplace

The Division has established clear and uniform guidelines in accordance with Federal and State regulations regarding alcohol, drugs, or controlled substances, including the provisions of the Drug-Free Workplace Act of 1988. Further, the Division makes every effort to institute and maintain a drug- and alcohol-free workplace that covers all independent contractors, volunteers, and employees of the State of West Virginia, including executive, administrative, classified, non-classified, exempt, and temporary employees.

The Division's goal is to comply with the Drug-Free Workplace statute and to eliminate the presence and/or use of alcohol and illegal drugs in the workplace, thereby prohibiting the use of alcohol and/or illegal drugs in the workplace as such use may affect an independent contractor's, volunteer's, or employee's job performance; bring discredit upon the reputation of the Division as the employer, and/or threaten the safety of independent contractors, volunteers, employees and residents entrusted to the care of the Division, and the general public. The Division has established guidelines for annual, random and reasonable suspicion drug testing of every employee.

1.4 Tobacco-Free Workplace

DJS Reference—Policy #146.00

DOP website: www.personnel.wv.gov/rules/policies/Pages/default.aspx - Smoking Restrictions in the Workplace

The Division wishes to ensure the right to a tobacco- and smoke-free environment for each State employee and the public as they transact business with or receive service from the Division.

1.5 Division Policies and Facility Operational Procedures

References—DJS Policies #101.00, 105.00 and 105.01

The Division has established policies which state the Division's guiding principles that should be followed in directing agency activities toward the attainment of Division objectives. Facilities create their own operational procedures based on division policies. Operational Procedures differ from a policy in that it directs action in a particular situation to perform a specific task within the guidelines of Division policy. All employees are required to read and acknowledge their understanding of all Division policies and facility operational procedures upon employment with the Division and do the same with any updates. Employee Policy and Operational Procedures Acknowledgement Sheets for new hires and updates are maintained in each employee's personnel file.

Section 2: Personal Conduct

2.1 Confidentiality of Information

DJS Reference—Policy #143.00

During the course of your employment you may occasionally or routinely come into contact or work with information that must be treated confidentially. Confidentiality of information consists of all orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any juvenile in the custody of the Division, and must be kept confidential and may not be disclosed by any person, without approval of the Division and in accordance with law under WV Code WV Code §49-5-101—Confidentiality of Records and §49-5-103—Confidentiality of Juvenile Records. All case records of youth in all Division facilities or programs are considered privileged records and are held confidential. Confidentiality also includes any records pertaining to employee records that you may be required to maintain as part of your job duties. In all cases, follow the policy or procedure established in your work site for handling and/or releasing confidential information. When in doubt, ask your immediate supervisor.

2.2 Code of Ethics/Conflict of Interest

DJS Reference—Policy #127.00

Website: www.ethics.wv.gov

The West Virginia Governmental Ethics Act established a Code of Ethical Conduct to guide public officials and public employees to help them avoid conflicts between personal interests and public responsibilities. The Act informs as to what is expected of an employee as a public servant and sets standards of conduct in compliance with Act.

The West Virginia Ethics Commission is responsible for educating and advising the public servants and for enforcing the Act. If an employee has a question, or needs more information, he or she may call the Commission staff at 304-558-0664. These calls will be treated confidentially.

2.3 Whistle-Blower Law

DOP website: www.personnel.wv.gov/rules/policies/Pages/default.aspx - Whistle Blower Law

The Division of Personnel provides an interpretive bulletin to provide advice and guidance to employees of the State of West Virginia on the application and interpretation of the Whistle-Blower Law. This law prohibits discrimination or retaliatory actions against a full- or part-time public employee or any person acting on behalf of or under the direction of a public employee who reports or is about to report an action or suspected violation of State, local, or federal law. The law also protects those who participate in any hearing, investigation, legislative inquiry, or court action.

2.4 Facility Child Abuse & Neglect

DJS Reference—Policy #335.00

West Virginia Code §49-2-803 requires an employee to report any and all incidents of child abuse to their Facility Superintendent/Director or designee.

West Virginia Code §49-2-803(a) states, in pertinent part:

Any ... employee of the Division of Juvenile Services ... who has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than forty-eight hours after suspecting this abuse or neglect, report the circumstances or cause a report to be made to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public or private institution ... shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made.

Section 3: Workplace Harassment

3.1 Equal Employment Opportunity

DJS Reference—Policy #148.00

State EEO Office website: www.eeo.wv.gov

No person working within the Division shall participate in or condone any discriminatory practice against any of its employees or those seeking employment based on race, religion, national origin, gender, color, marital status, age or disability.

WV Division of Juvenile Services EEO Coordinator—**Brenda Hoylman**

Department of Military Affairs and Public Safety EEO Coordinator—**Tim Harper**

3.2 Prohibited Workplace Harassment

DJS Reference—Policy #149.00

DOP website: <http://www.personnel.wv.gov/rules/policies/Pages/default.aspx> - Prohibited Workplace Harassment

It is the intent of the Division to provide a work environment where illegal harassment based on sex (with or without sexual conduct), race, color, religion, national origin, ancestry, age, disability, and protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process) or status explicitly defined as protected under applicable State and federal law as well as non-discriminatory hostile workplace harassment is prohibited.

3.3 Reasonable Accommodations for Persons with Disabilities

DJS Reference—Policy #150.00

Website: www.ada.wv.gov

The Division is committed to fair and equal access to employment and our facilities for all people with disabilities. The Division will accommodate all reasonable requests for accommodations that would not impose undue hardship on the Division or hinder anyone's safety.

Section 4: Employee Training and Performance Standards

4.1 Employee Performance Appraisals (EPAs)

DJS Reference—Policy #137.00

DOP website: <http://www.personnel.wv.gov/rules/policies/Pages/default.aspx> - Employee Performance Appraisals

It is the policy of the Division to 1) let you know what is expected of you during the first 30 days of your employment; 2) provide feedback to you regarding how well you are doing near the midpoint of the performance rating period; and 3) formally rate you at the end of each performance rating period. Supervisors are required to use the following forms for conducting your performance appraisal/evaluations to record and report their ratings of your performance and related comments:

- DOP Form EPA-1: Used for the Initial Planning Session; whenever coaching is indicated; when expectations must be changed or modified, or every month during a new employee's probationary period.
- DOP Form EPA-2: Used for the Interim or Mid-Year Review; for the probationary employee; or for special situations involving performance that fails to meet expectations.
- DOP Form EPA-3: Used for the final review of the entire performance period and shall result in an overall rating. Forms EPA-1 and EPA-2 may be attached to and made a part of Form EPA-3.

4.2 Probationary Term

DJS Reference—Policy 128.02

All employees of the Division will be appointed initially for a probationary term of at least six months but no longer than one year. All new employees with the Division of Personnel job title of Correctional Officer will serve a mandatory one (1) year probationary term. All new employees, other than those with the title of Correctional Officer, will serve a mandatory six (6) month probationary term. Permanent employees transferring from one position to another position will not be required to repeat a probationary term.

4.3 Academy/Training Requirements

DJS References—Policy #162.00, #601.00

You will receive forty (40) hours of orientation training before undertaking your assignments. This training includes, at a minimum, orientation to the purpose, goals, policies, and procedures of the facility and Division; working conditions and regulations; employee rights and responsibilities; and an overview of the correctional field.

All treatment staff and correctional officers shall receive an additional one hundred twenty (120) hours of training during their first year of employment (Academy) and an additional forty (40) hours of training each subsequent year of employment.

All officers, program staff, supervisors/managers, and other staff (as assigned) are required to complete the Pressure Point Control Tactics (PPCT) course with an eight (8) hour refresher course once a year. Failure to complete the program will result in remedial training. Continued failure to complete the program may result in disciplinary action and/or dismissal.

Section 5: Computers and Electronic Devices

5.1 Computer, Internet and Email Use

DJS Reference—Policy #154.00

WV Office of Technology website: <http://www.technology.wv.gov/Pages/default.aspx>

Access to DJS computer systems is a privilege, not a right. Access may be denied or revoked at any time for any reason without notice. DJS reserves the right to monitor all transmissions to/from the Internet and/or examine all of its system configurations, as well as the files on those systems, for such purposes as maintaining business continuity in the absence of employees, responding to a complaint of computer abuse, such as harassment, or protecting DJS resources from extensive or expensive unauthorized misuse.

5.2 Electronic Devices

DJS Reference—Policy #308.01

WV Office of Technology website: www.technology.wv.gov/Pages/default.aspx

Personally owned electronic devices are not authorized for use within any facility and/or office without prior approval from the Superintendent/Director or his or her designee. The Division has the right to examine and/or monitor any state-owned cell phone and its transmissions or files for any purpose at any time.

Section 6: Employment Cycle

6.1 Job Interviews

DJS Reference—Policy #132.01

Anytime you apply for positions within the Division and meet the qualifications for any posted position, you shall be afforded the opportunity to interview for that position. Guidelines in Policy 132.01 will aid in determining when and how leave may be used for job interviews.

6.2 Selection & Promotion of Non-Correctional Officer Personnel and Competitive Promotion of Correctional Officer Personnel

DJS Reference—Policies #131.00, #132.00

It is the Division's policy to promote both from within the Division and to introduce qualified new employees into the Division. All personnel are selected, retained, and promoted on the basis of merit and specified qualifications. When a vacancy exists which will be filled through promotion, the Facility Superintendent/Director or the Division Director/designee will post the written notice in designated locations for ten (10) calendar days. This notice shall include a description of the vacancy, the requirements for filling the vacancy, the method of application, date posted and date the posting closes. You must meet the minimum qualifications established by the Division of Personnel for any vacancy. Employee disciplinary actions shall deem the employee ineligible to apply or be promoted for a period of six (6) months to one (1) year, depending upon the type of discipline.

6.3 Progressive Discipline

DJS Reference—Policy #138.00

The Division expects you to 1) conduct yourself in such a manner that your activities both on and off duty will not discredit either yourself, other employees, or the Division; 2) conduct yourself in a manner that creates and maintains respect for the Division and the State of West Virginia; 3) avoid any action which might result in, or create the appearance of, affecting adversely the confidence of the public in the integrity of the Division or the State; and 4) discuss with your immediate supervisor any problems arising with matters within the scope of the Progressive Discipline policy.

The goal of discipline is to correct behavior. In order to correct behavior, you need to know what you did wrong, what you should have done, what conduct or work performance is expected, and consequences of future violations. Determined by the severity of the violation, progressive discipline is the concept of increasingly severe actions taken by supervisors and managers to correct/prevent any initial or continuing unacceptable work behavior or performance. The level of discipline will be determined by the severity of the violation. Progressive and constructive disciplinary action will proceed, if appropriate and required, along a continuum from verbal warning (least severe) to dismissal (most severe), with incremental steps between, as indicated:

Verbal Warning → Counseling Checklist → Written Warning → Suspension → Demotion → Dismissal

You have the right to appeal any disciplinary action through the Public Employees Grievance Board, in accordance with WV State Code 6C-2 et seq.

6.4 Resignations/Dismissals/Exit Interviews

Reference—Policy #156.00

If you resign, you will be requested to provide a written resignation with two-week notice or as soon as possible to your supervisor or Facility Superintendent/Director. You will be asked to provide an exit interview for the Division.

Section 7: Scheduled and Unscheduled Official Days Off

7.1 Official Holidays

DJS Reference—Policy #141.00

WV Code § 2-2-1

Employees shall be released from work with pay in observance of the following official holidays: New Year's Day, the first day of January; Martin Luther King's Birthday, the third Monday of January; Presidents' Day, the third Monday of February; Memorial Day, the last Monday in May; West Virginia Day, the twentieth day of June; Independence Day, the fourth day of July; Labor Day, the first Monday of September; Columbus Day, the second Monday of October; Veterans' Day, the eleventh day of November; Thanksgiving Day, the fourth Thursday in November; Lincoln's Day, the fourth Friday of November; Christmas Day, the twenty-fifth day of December; any day on which a State-wide election (Primary, General, or Special) is held, and such other days as the President, Governor or other duly constituted authority proclaim to be official holidays or days of special observance or thanksgiving, or days for the general cessation of business. Provided that an election held on a Saturday is not an official holiday as provided in this subsection. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday. When a holiday falls on a Saturday, the previous Friday shall be observed as the official holiday. When Christmas or New Year's Day occurs on Tuesday, Wednesday, Thursday, or Friday, the last half of the scheduled workday immediately preceding the holiday will be given as time off not to exceed four hours.

The Division may schedule employees to work on the official holiday observance date to accommodate around-the-clock shifts or other special needs. The Division shall schedule alternate holiday paid time off for a date as close as possible but not prior to the official holiday observance date, not to exceed eight hours per full day holiday or four hours per one half day holiday, for those employees who are required to work on the holiday itself.

To receive pay for any holiday, an employee must work or be on approved paid leave for their scheduled workday immediately preceding the holiday and their scheduled workday immediately following the holiday.

7.2 Emergency Situations/Inclement Weather

DOP website: www.personnel.wv.gov/SiteCollectionDocuments/Policies/Emergency.PDF

Essential employees will be required to work their scheduled shifts during any inclement weather, state of emergency, or other directive affecting the State of West Virginia or the United States of America. Absences due to emergency situations and/or inclement weather conditions which make traveling to and from work hazardous may be charged to accrued annual leave. Employees who work in facilities open on a 24-hour basis may be required to remain on duty at the time of a declared emergency situation so that coverage for such essential services will be provided. If you are late or absent from work due to an emergency situation and/or inclement weather, you must contact your immediate supervisor (or supervisor's designee) to report your tardiness. Failure to contact the supervisor (or designee) may result in an Unauthorized Leave of Absence and/or progressive discipline.

Section 8: Associations and Correctional Organizations

8.1 National Coalition of Public Safety Officers (NCPSO)

You may join the National Coalition of Public Safety Officers (NCPSO) Local 2055 of the Communications Workers of America, AFL-CIO. The Union provides representation for grievances and lobbying in the Legislature. Their main office number is 304-342-2023. Employees can find information on the employee bulletin board at each facility or the NCPSO website at www.ncpso.com.

8.2 Correctional Peace Officers (CPO) Foundation

"Taking Care of Our Own"

The Correctional Peace Officers (CPO) Foundation is a national, non-profit charitable organization created in 1984. Its primary function is to preserve and support the surviving families of Correctional Officers who lose their lives in pursuit of their chosen profession of protecting the public from those remanded to correctional custody and supervision in the nation's prisons and jails. The purpose of the Correctional Peace Officers (CPO) Foundation, Inc. is to operate and maintain a general fund for the perpetuation of the memory of those Correctional Peace Officers killed in the line of duty; to provide for their spouses, children or other beneficiaries; and to promote and project a positive image of the Corrections profession, both internally and to the general public. CPO mailing address is: CPO Foundation, P.O. Box 348390, Sacramento, CA 95834-8390. Their telephone number is: (916) 928-0061 or 1-800-800-CPOF(2763); fax number is (916) 928-0072. Their email address is mail@cpof.org and their website is www.cpof.org.

8.3 Southern States Correctional Association (SSCA)

The Southern States Correctional Association is a "family" of professionals from 14 states representing virtually every type of corrections agency - youth and adult services, probation and parole, counselors, teachers, administrators, and volunteers. The membership also includes law enforcement officers and others interested in corrections.

Membership with the SSCA is available to any person employed in, or honorably retired from, any area of the criminal justice system within the borders of the member states. The annual dues are \$25 and entitle members to attendance at the annual conference, full voting privileges and an annual subscription to the association's quarterly publication, The Southern Concourse. Information on the association can be found at their website: www.sscaweb.org.

8.4 Employee Association

Some division facilities have an employee association. Check with your individual facility for this information.

8.5 West Virginia Corrections Workers Foundation

The West Virginia Corrections Workers Foundation is a state-wide organization established to provide relief and assistance to members in times of need and consists of all individuals who are employed by the WV Division of Corrections, WV Division of Juvenile Services and WV Regional Jail Authority. There are no fees or dues and all monies raised through fundraising efforts are distributed through a grant process to provide employees with monetary relief in times of need.

Section 9: Compensation

9.1 Fair Labor Standards Act (FLSA)

DOP website: <http://www.personnel.wv.gov/rules/policies/Pages/default.aspx> - Pay Plan Implementation

The Division abides by the FEDERAL Fair Labor Standards Act and the Division of Personnel's Pay Plan Implementation. The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than \$8.75 per hour effective JANUARY 1, 2016.

9.2 Pay Periods and Paydays

Currently, all employees are paid twice each month. Paydays in this agency are on the 15th and 30th for a 30-day month, and the 16th and 31st for a 31-day month. If a scheduled payday falls on a Saturday or Sunday or holiday, paychecks are issued on the preceding working day.

9.3 Annual Increment

DOP website: <http://www.personnel.wv.gov/rules/policies/Pages/default.aspx> - Annual Increment

You will be eligible as a result of meeting the three years of service minimum requirement on the first day of July in any fiscal year to the annual salary increase equal to sixty dollars times your total years of service. The annual increment is paid in a lump sum by a separate check, minus taxes and retirement, generally at the end of each fiscal year in July. If you receive your regular pay by direct deposit, you will also receive your annual increment by direct deposit.

9.4 Overtime Work

DJS Reference—Policy #141.00; W.Va. Code §21-5C et seq.

Overtime must be authorized and approved in advance by your supervisor. The Division is required to pay overtime wages to eligible employees at a rate of time and one half their regular rate of pay for the time worked beyond 40 hours in a work week for non-correctional officer personnel and beyond 80 hours in a pay period for correctional officer personnel. Time worked does not include sick, annual or holiday time. Employees in executive, administrative, or professional positions may be exempt from the overtime provisions under the FLSA.

9.5 Pay Grades

Jobs which have similar levels of complexity and responsibility are assigned to the same pay grade. Each job classification has an established pay grade with a salary range that specifies a minimum or entry salary and a maximum salary. Employees in the same job classification are paid within the salary range for the assigned pay grade.

9.6 Timesheets

You must complete a monthly timesheet which must be submitted to your supervisor by the fifth day of the following month. Failure to do so may result in disciplinary measures. You are responsible for ensuring that the annual and sick leave amounts are correct and that a leave slip, approved in advance by your supervisor, has been submitted for any paid or unpaid leave taken.

9.7 Payroll Deductions

Four mandatory deductions are made each pay period: Federal withholding tax, FICA, Social Security withholding tax, and State withholding tax is dependent upon your salary and the number of exemptions you claim on your W-4 form. Social Security is withheld for each employee at the rate of 7.65% of the employee's gross salary (up to \$57,600 per year and after any tax-sheltered annuities have been deducted). Any employee making more than \$57,600 per year may consult with his/her payroll coordinator for contributions information. Social Security contributions are matched by the employing agency.

The following are optional deductions made upon authorization by the employee:

- Insurance premiums (Basic Health, Optional Life and Dependent Life)
- Contributions to a flexible spending account
- Credit Union
- Combined Campaign Contributions to Charitable Organizations
- Employee Association Dues
- Parking Fee
- Other Non-State Insurance or Annuity Payments
- City Fee, if applicable

Additionally, upon notification from any child support enforcement agency or state or federal court, child support obligations and/or any wage garnishment actions may be taken from your pay as required by law.

9.8 Salary Increases

There are several ways in which changes can be made to your salary: General wage increase and merit increase, promotional increase, longevity increase and salary equity increase.

- A general wage increase is commonly referred to as an "across-the-board" increase because it essentially applies uniformly to all employees. Typically, a set dollar amount or set percentage is given to all employees to maintain salaries relative to the cost of living.
- Salary advancements are discretionary and shall be limited to a maximum of 10% in any 12-month period. For the purpose of determining eligibility, the 12-month period shall be the 12-month period immediately preceding the proposed effective date of the salary increase.
- Employees are also eligible for promotional increases when they move to a new position in a higher pay grade.
- Salary adjustments also occur when the legislature grants a special pay increase to certain employees by group such as Correctional Officers.

Section 10: Sick and Annual Leave Benefits

10.1 Annual Leave

10.1.1 Accrual. All permanent, part-time permanent, probationary and provisional employees are eligible to accrue annual leave with pay and benefits. The table below lists the rates of accrual according to your of service category and the number of hours of annual leave that may be carried forward from one calendar year to another. Annual leave is accrued at the end of each pay period or on the last workday for separating employees. It may be prorated for employees granted a medical leave of absence or satisfying the conditions for approval of a medical leave of absence. Prorated leave is computed in proportion to normal hours worked and/or hours of paid sick and/or annual leave during the pay period based on the proper length of service category. Annual leave cannot be accrued for hours not paid nor for hours worked beyond the normal workweek which shall not exceed 40 hours. Provided, however, employees on unpaid leave who are receiving workers' compensation temporary total disability benefits continue to accrue annual leave while receiving such benefits.

Length of Services Category	Accrual Rate: Hours Equal to	Carry-forward Rate: Hours Equal to
Less than 5 years of qualifying service	1.25 days/per month	30 days
At least 5 years, but less than 10 of qualifying service	1.5 days/per month	30 days
At least 10 years, but less than 15 of qualifying service	1.75 days/per month	35 days
15 years or more of qualifying Service	2 days/per month	40 days

10.1.2 Qualifying Service. Based on state employment or employment in the classified service not of a limited-term or temporary nature (except that certain limited-term service to the State Legislature may qualify) and provided that any exempt service must be leave-accruing service to qualify. No service credit accrues for periods during which you are not paid a wage or salary unless otherwise provided by State or Federal statute. Provided, however, you are on unpaid leave who are receiving workers' compensation temporary total disability benefits continue to accrue service credit while receiving such benefits.

10.1.3 Granting of Leave. Accrued annual leave shall be granted at those times that will not materially affect the agency's efficient operation or when requested under the provisions of W.Va. Code §21-5D-1 et seq., the Parental Leave Act and 29 U .S.C. §2601-2654, The Family and Medical Leave Act of 1993. You must request annual leave in advance of taking the leave. Annual leave may not be granted in advance of your accrual of the leave.

10.1.4 Coverage. Full-time and part-time permanent, probationary, and provisional employees shall accrue annual leave. Temporary and seasonal employees shall not accrue annual leave. Annual leave accrued by provisional employees shall be computed in proportion to normal hours worked and/or hours of paid sick and/or annual leave during the pay period not to exceed the full-time work schedule of the employer. A provisional employee must take his or her accrued annual leave prior to the expiration of the period of appointment, unless immediately followed by an appointment from the register, or the leave is forfeited. Annual leave accrued by part-time employees shall be computed in proportion to normal hours worked and/or hours of paid sick and/or annual leave during the pay period based on the proper length of service category.

10.1.5 Minimum Charge. The minimum charge against annual leave shall be one quarter ($\frac{1}{4}$) hour. Additional leave shall be in multiples of a quarter hour.

10.1.6 Separation from Employment. The Division shall pay you when you separate from employment for any reason for all accrued and unused annual leave. You will not accrue annual leave after your date and time of separation. The payment shall be made according to one of the following methods:

1. You may elect to be paid in semi-monthly installments at your usual rate of pay as if employment were continuing until the pay period during which the accrued annual leave is exhausted. If the last day for which leave payment is due falls before the day on which the pay period ends, terminal annual leave payment for those days within that pay period shall be calculated using the daily rate for the half-month in which the last day on payroll occurs. No deductions may be made for contributions toward retirement from the payment for terminal annual leave;
2. Any eligible employee as defined in WV Code §5-5-1 who is separated from employment by resignation, layoff, dismissal, retirement, death, or termination, may be paid in a lump sum, at your option, for accrued and unused annual leave. Terminal annual leave payment for an employee who selects a lump sum payment shall be calculated as if employment were continuing until the pay period during which the accrued annual leave is exhausted. The lump sum payment shall be made by the time of what would have been your next regular pay day had your employment continued. No deductions may be made for contributions toward retirement from the lump sum payment; or
3. If you retire, you may elect not to receive payment for any or all terminal annual leave and may apply the balance towards extended insurance coverage under guidelines established by the Public Employees Insurance Agency or to acquire additional credited service in the appropriate state retirement system.

10.1.7 Transfer of Annual/Other Leave. 1. When you transfer or otherwise change employment from one agency to another, all service credit and hours of accrued annual leave shall be transferred. The previous employer shall provide written documentation to the other agency within thirty (30) calendar days after you commences work. 2. Annual leave accrued while in exempt or classified-exempt permanent employment shall be transferred to classified employment. 3. The previous employer shall also provide the days of State and federal Military, Family and Medical Leave Act, Parental Leave Act, and Red Cross Disaster Service leave eligibility exhausted within the year, if applicable.

10.1.8 Exhausted Sick Leave. Annual leave, if requested, shall be granted in circumstances when sick leave or the sick leave allowance for your immediate family is exhausted. The necessity for a physician's statement when sick leave is used apply when annual leave is used under these circumstances. In the event of any serious health condition qualifying for leave under the federal Family and Medical Leave Act (FMLA), paid leave shall be designated as FMLA leave.

10.1.9 Illness While on Annual Leave. If you become ill and are admitted to a hospital or have medical services performed in an emergency room while on previously approved annual leave, you may request that all or part of the time spent in a hospital or emergency room be charged to sick leave. You must request that action immediately upon return to work and provide a physician's statement or hospital statement listing the specific dates of hospitalization or emergency room services. Sick leave may be charged only for the period of time the employee is hospitalized or in the emergency room. The remainder of the time shall be charged to annual leave.

10.2 Sick Leave

10.2.1 Accrual. All permanent, probationary, and provisional employees shall receive accrued sick leave with pay and benefits. Sick leave is computed on the basis of hours equal to 1.5 days per month for full-time employees. Sick leave is accrued at the end of each pay period or on the last workday for separating employees. It may be prorated for employees granted a medical leave of absence or satisfying the conditions for approval of a medical leave of absence. Prorated leave is computed in proportion to normal hours worked and/or hours of paid sick and/or annual leave during the pay period. Sick leave cannot be accrued for hours not paid nor for hours worked beyond the normal workweek which shall not exceed 40 hours. There is unlimited accumulation of sick leave.

10.2.2 Coverage. 1. All full-time and part-time permanent, probationary, and provisional employees shall accrue sick leave. 2. Temporary and seasonal employees shall not accrue sick leave. 3. Provisional employees shall accrue sick leave in proportion to normal hours worked and/or hours of paid sick and/or annual leave in the pay period. The leave accrued by a provisional employee expires at the termination of the period of employment unless immediately followed by an appointment from the register for a permanent position. 4. Sick leave accrued by part-time employees shall be computed in proportion to normal hours worked and/or hours of paid sick and/or annual leave during the pay period.

10.2.3 Minimum Charge. The minimum charge against sick leave is one quarter (1/4) hour. Additional leave is charged in multiples of one quarter hour.

10.2.4 Maximum Charge. The maximum charge against sick leave is one work year per substantially continuous absence. However, the Division Director may, at his or her discretion, grant additional accrued sick leave.

10.2.5 Separation from Employment. Sick leave shall not accrue after the date and time of separation as defined subsection 3.26 of the DOP Administrative Rule. As of the date and time of separation, all accrued and/or scheduled sick leave shall be cancelled, and payment shall not be made for sick leave subsequent to the date and time of separation, excepted as provided under paragraph 14.4.e.1. of DOP Administrative Rule. Recovery of payment for sick leave made subsequent to the date and time of separation shall be made, by civil action if necessary.

10.2.6 Retirement. If you are eligible to retire at the time of separation from employment, you may be eligible to use unused sick leave to purchase extended insurance coverage upon retirement under guidelines established by the Public Employees Insurance Agency or upon retirement to acquire additional credited service in the state retirement system under guidelines established by the Consolidated Public Retirement Board.

10.2.7 All Other Separations. All accumulated sick leave shall be cancelled as of the date and time of separation. If you return to eligible employment within one year of the date and time of separation, including the first working day the reinstatement could be accomplished, all cancelled sick leave shall be restored. However, if you return to eligible employment after one year from the effective date and time of separation from employment, no more than thirty (30) days of cancelled sick leave shall be restored. If you have been laid off, and are re-employed in eligible employment, all cancelled sick leave shall be restored. Sick leave may not be granted in advance of your accrual of the leave. The Division shall grant your accrued sick leave, when requested, for the following reasons:

1. Illness. Sick leave shall be granted in the event of your illness or injury which incapacitates you from performing your duties. Sick leave may not be granted in advance of the employee's accrual of the leave or when the employee's disability, as verified by a physician on a prescribed physician's statement form is of such a nature as to render the employee permanently unable to perform his or her duties with or without accommodation; provided the employee may continue to utilize available sick leave during the accommodation consideration process not to exceed sixty (60) calendar days. In the event of any serious health condition qualifying for leave under FMLA, paid leave shall be designated as FMLA leave. Employees shall request sick leave in advance of taking the leave when requesting leave for routine dental and medical appointments.

2. Death in your immediate family. Sick leave shall be granted up to 3 days for the death of any member of your immediate family—provided such time is not deducted from the 40-hour family sick leave usage allowance. If sick leave is requested to commence immediately preceding and/or following the leave granted for death in the immediate family, a physician's statement shall not be required unless the employee is on leave restriction or the additional sick leave exceeds three (3) consecutive scheduled workdays, provided that the employee presents verification of a qualifying death. In the absence of verification of a qualifying death, the employee shall be required to present a physician's statement for the entire period of absence in accordance with DOP rules. Immediate family consists of parents, children, siblings, spouse, parents-in-law, children-in-law, grandparents, grandchildren, step-parents, step-brothers, step-sisters, stepchildren, foster children, individuals in an *in loco parentis* relationship, and individuals in a legal guardianship relationship.

3. Exposure to Contagious Disease. Sick leave shall be granted in the case of exposure to a contagious disease when a physician determines and states in writing that your presence on duty may jeopardize the health of others;

4. Pregnancy. An incapacity due to pregnancy shall be charged to sick leave under the same conditions applying to any illness;

5. Routine Dental and Medical Appointments-Employee. Routine dental and medical appointments for your treatment or examination shall be charged to sick leave. Reasonable travel time for the appointments may also be charged to sick leave not to exceed a total of three hours per occurrence;

6. Illness and/or Routine Dental and Medical Appointments-Immediate Family. Employees may use up to forty (40) hours of accrued sick leave per calendar year to provide care to an immediate family member, who is incapacitated due to illness or injury or to accompany an immediate family member to routine healthcare appointments. Reasonable travel time in addition to the time for the routine appointments may also be charged to sick leave.

7. Work related illness or injury. You may elect to use sick leave due to a personal injury received in the course of and resulting from covered employment with the State in accordance with W. Va. Code §23-4-1. However, should you elect not to use sick leave under this paragraph, you must apply for a medical leave of absence without pay.

10.2.8 Physician's Statement

1. The physician's statement form as prescribed by the Director of the West Virginia Division of Personnel is the form that is used by all employees to obtain the necessary information.
2. Any employee requesting sick leave for an absence of more than three consecutive scheduled work days or scheduled shifts must, within two days of his or her return to work, provide a prescribed physician's statement from the attending physician for the entire absence. Consecutive scheduled workdays are determined without regard to scheduled days off that occur during the period of sick leave. Thus, annual leave, holidays, modified holiday observance, compensatory time, regularly scheduled days off, or any other time for which the employee was not scheduled to work during the period of absence shall not constitute a break when determining the three consecutive scheduled work days. If the employee's physician/practitioner has placed restrictions or limitations on the employee's work activities, the employee must furnish the prescribed physician's statement immediately upon return to work. The physician's statement form shall specify the period of incapacity and state that the employee was unable to perform his or her job or that the employee's absence was due to reasons provided in Paragraph 14.4 (f)6 of DOP administrative rule for a member of the employee's immediate family.
3. In the absence of a prescribed physician's statement form, the entire absence shall be charged to unauthorized leave, and the employee's pay shall be docked the following pay period for the entire period of absence. The Division shall notify the employee in writing that his or her pay is being docked. If the physician's statement from the attending physician specifies a period of incapacity that is less than the entire absence, only the period of incapacity shall be charged to sick leave and the remaining absence shall be charged to annual leave, if annual leave is available to the employee and is not otherwise restricted.
4. For extended periods of sick leave, a prescribed physician's statement form confirming the necessity for continued leave must be submitted within thirty (30) calendar days of the commencement of the sick leave and must indicate a date the physician will release the employee to return to work or a date the physician will re-evaluate the employee's medical condition. For employees being re-evaluated, an additional physician's statement must be submitted upon re-evaluation. Failure to produce the required statement is grounds to terminate further sick leave benefits and the Division shall immediately place the employee on unauthorized leave and notify the employee in writing of such action. This written notice shall allow the employee fifteen (15) days to submit the required physician's statement. Failure of the employee to submit the required statement within the fifteen day notice period, except for satisfactory reasons submitted in advance to the Division, is cause for dismissal. The necessity for absence because of exposure to contagious disease must be verified on a prescribed physician's statement form regardless of the length of absence.

10.2.9 Return At Less Than Full Duty

1. The Division Director may permit an employee to return to work from sick leave, military duty in which the employee was injured or became ill, or medical leave of absence at less than full duty for a period of no more than thirty (30) days, provided that the terms of the return shall be in writing. An employee may request to continue to work at less than full duty beyond the period permitted by the Division Director. The request must be submitted to the Division Director at least five (5) days before the end of the period. The Division Director shall consider the request in the same manner as the original request.

2. The Division Director, after receiving approval of the Division of Personnel Director, may deny the request to return or continue to work at less than full duty under conditions including, but not limited to, the following:

- (a) the employee cannot perform the essential duties of his or her job with or without accommodation;
- (b) the nature of the employee's job is such that it may aggravate the employee's medical condition;
- (c) a significant risk of substantial harm to the health or safety of the employee or others cannot be eliminated or reduced by reasonable accommodation; or,
- (d) the approval of the request would seriously impair the conduct of the division's business.

3. Prior to making a decision on an employee's request to return or continue to work at less than full duty, the Division Director and/or the Division of Personnel Director may require additional information from the employee's physician or other physician regarding the employee's ability to perform the essential duties of his or her job, with or without accommodation.

10.2.10 Transfer of Sick Leave. When a classified employee transfers or otherwise changes employment from one agency to another, all accrued and unused sick leave shall be transferred. The previous employer shall provide written documentation of the sick leave balance computed in days and fraction of days to the other agency within thirty (30) calendar days after the employee commences work. The previous employer shall also provide the days of State and federal Military, Family and Medical Leave Act, Parental Leave Act, and Red Cross Disaster Service leave eligibility exhausted within the year, if applicable. At the discretion of the appointing authority, sick leave accrued while in other State employment may be transferable to covered agency employment.

10.2.11 Suspected Misuse of Leave. When an employee appears to have a pattern of leave use that is inconsistent with the reasons provided above, including such frequent use of sick leave as to render the employee's services undependable, the division may request appropriate substantiation of the employee's claim for leave, for example, verification of an illness of less than three days. The division shall give the employee prior written notice of the requirement for appropriate substantiation.

10.3 Unauthorized Leave. When an employee is absent from work without authorization for sick or annual leave, the Division shall dock the employee's pay in the next pay period for an equal amount of time during which no work was performed. The Division shall notify the employee in writing that his or her pay is being docked and that the unauthorized leave is misconduct for which discipline is being imposed. The division shall use unauthorized leave only in cases when the employee fails to obtain the appropriate approval, according to agency policy, for the absence. The division shall transmit notice of the action in writing to the Director of Personnel.

10.4 Leave of Absence Without Pay

DOP website: <http://www.personnel.wv.gov/employees/Leave/fmla/Pages/default.aspx>

10.4.1 Personal Leave. The agency may grant a permanent, probationary, or provisional employee a leave of absence without pay for a specific period of time which normally should not exceed one year. The employee shall apply for the leave of absence in writing to the Division Director. If the Division Director approves the request, the approval shall be in writing. A leave of absence without pay may exceed the normal one year limitation and the Division Director may grant the leave of absence at his or her discretion based on the agency's personnel needs. Written approval of the Division Director is required in all cases. Approval of personal leave is discretionary with the Division Director.

10.4.2 Family Leave. An employee may request a leave of absence based on the Parental Leave Act or the Family and Medical Leave Act. Any employee requesting this type of leave of absence must meet eligibility requirements and requests the leave for a qualifying event.

10.4.3 Medical Leave. An injured or ill permanent employee upon written application to the division director shall be granted a medical leave of absence without pay not to exceed six (6) months within a twelve month period provided:

1. The employee has worked or been on approved paid leave at least 1,040 hours, or fifty percent of the normal work schedule for part-time employees, during the twelve-month period immediately preceding the beginning of the leave; makes application no later than fifteen (15) calendar days following the exhaustion of all sick and annual leave; and has exhausted all sick and annual leave or has elected not to use sick and annual leave for a personal injury or illness received in the course of and resulting from covered employment with the State or its political subdivisions in accordance with WV Code §23-4-1.
2. The employee's absence is due to an illness or injury which is verified by a physician/practitioner on the prescribed physician's statement form stating that the employee is unable to perform his or her duties and giving a date for the employee's return to work or the date the employee's medical condition will be re-evaluated;
3. A prescribed physician's statement form is submitted each time the employee's condition is re-evaluated to confirm the necessity for continued leave; and,
4. The disability, as verified by a physician/practitioner on the prescribed physician's statement form, is not of such nature as to render the employee permanently unable to perform his or her duties.

The appointing authority shall, at least fifteen (15) days prior to, if possible, but no later than five (5) days following the expiration of the employee's sick leave, mail to the employee a written notice of the employee's right to a medical leave of absence without pay and informing him or her that the leave will not be granted if he or she fails to apply within the time limits specified in subparagraph 14.8.c.1.A. of DOP's Administrative Rule. Notice shall not be required for subsequent absence for the same reason during the applicable twelve-month period.

The twelve-month period shall be calculated based upon a rolling twelve-month period measured backward from the date of leave use. The amount of leave available during the twelve-month period shall be based upon the equivalent number of hours the employee is normally scheduled to work during a six-month period.

10.4.4 End of Leave. At the expiration of a leave of absence without pay, the employee shall be returned to duty to either his or her former position, or one of comparable pay and duties, without loss of rights, unless the position is no longer available due to a reduction-in-force. If the leave of absence without pay was granted due to personal illness, the employee must furnish from the attending physician/practitioner a prescribed physician's statement form indicating the ability of the employee to return to work. The division director may permit an employee to return to work at or before the expiration of the leave of absence at less than full duty, but the terms of return are subject to the same conditions as specified previously under Return at Less Than Full Duty. Failure of the employee to report to work promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance and approved by the Division Director, is cause for dismissal.

Typically, any employee on a Parental or Personal Leave of Absence without pay will be required to pay for both the employer's portion and the employee's portion of insurance premiums while on leave. For questions concerning benefits while on unpaid leave, please call the Division's Benefits Coordinator in Central Office.

10.5 Leave Donation

DOP website: <http://www.personnel.wv.gov/employees/Leave/leavedonation/Pages/default.aspx>

Recipient Eligibility: In order to be eligible to receive donations of annual leave, an employee must meet the following conditions: 1) have a medical emergency involving a medical condition of the employee or a member of the employee's immediate family; 2) In the case of a medical emergency involving a medical condition of the employee, exhausted all sick leave and all annual leave as well as any other accrued paid leave to which the employee is entitled; 3) In the case of a medical emergency involving a medical condition of a member of the employee's immediate family, the employee must have exhausted all annual leave and the sick leave allowance for members of the employee's immediate family; 4) The medical condition of the employee or the member of the employee's immediate family must be verified in writing by a physician or medical practitioner as requiring the absence of the employee from work for at least one half a month continuously after the exhaustion of available leave. The employee must apply to receive donated leave according to procedures established by the Division of Personnel. Employees who are recipients of donated leave are considered in leave without pay status.

The following restrictions regarding benefits shall apply to recipients: Recipients do not accrue annual or sick leave, nor do they earn years of service credit for leave accrual purposes, while in this status; Recipients are not eligible for paid holidays while in this status; Recipients do not earn tenure for purposes of order of separation on layoff while in this status; Recipients do not earn service credit for purposes of an annual increment while in this status; Recipients do not earn service credit for any retirement system administered by the state of West Virginia while in this status.

Donor Eligibility. In order to be eligible to make donations of annual leave, an employee must meet the following conditions: 1) The employee must have a remaining balance of 80 hours of accrued sick and/or annual leave after making the annual leave donation; and, 2) must make the leave donation according to procedures established by the Director of Personnel. Donations shall be in the form of whole hours of annual leave only.

10.6 Court, Jury, and Hearing Leave

DOP website: <http://www.personnel.wv.gov/employees/Leave/Pages/court.aspx>

Upon application in writing, an employee hired for permanent employment shall be released from work without charge to leave or loss of pay when, in obedience to a subpoena or direction by proper authority, he or she serves upon a jury or appears as a witness before any court or judge, any legislative committee, or any officer, board, or body authorized by law to conduct any hearing or inquiry. A copy of the court documentation must be supplied with the leave request. This does not apply in cases where the employee or a member of his or her immediate family is a plaintiff, defendant or other interested party or has a personal, financial, or vested interest in the outcome of the proceeding or when the hours spent in compliance to a subpoena to serve on a jury or appear as a witness are outside the employee's scheduled workday. Employees subpoenaed by proper authority who are not eligible for court, jury or hearing leave shall be granted sufficient annual leave or leave without pay to fulfill the order. When an employee is released from service prior to the end of the workday, and there is more than one hour remaining in the employee's scheduled workday after allowing for reasonable return travel time, the employee shall return to work or request approval for annual leave.

10.7 Military Leave

Reference—Policy #155.00

DOP website: <http://www.personnel.wv.gov/agencies/Pages/militaryleave.aspx>

10.7.1 State Active Duty and Reserve Military Service: In accordance with the provisions of West Virginia Code §15-1F-1(a), all officers and employees of the State hired for permanent employment who are members of the National Guard or of any of the reserve components of the armed forces of the federal government are entitled to a leave of absence from employment without loss of pay, status, or efficiency rating, on all days during which they are engaged in drills or parades, or for examination to determine fitness for duty, inactive duty training, service schools, active duty for training or active service for the State, during business hours, all to include reasonable travel time to and from the duty location, for a maximum period of thirty (30) working days in any one calendar year, not to exceed two hundred forty (240) hours when ordered or authorized by proper authority. The term "without loss of pay" means that the employee continues to receive his or her normal salary or compensation, notwithstanding the fact that the employee may have received other compensation during the same period. An employee need not exhaust all annual leave or sick leave.

Furthermore, the leave of absence is considered as time worked for the agency in computing seniority, eligibility for salary increase and experience with the agency. These terms do not apply under the provisions of any military selective service act. An employee shall provide to the appointing authority advance written or verbal notification of an obligation or intention to perform military duty and such written orders or other documentation, if available, in support of the request for military leave. None of the unused days of military leave for which an officer or employee is eligible may be carried over and used in the next calendar year. An employee on extended federal active duty or full-time National Guard duty is eligible for leave provided only in the year he or she is called to active duty, and in subsequent years only after he or she has been discharged from military duty and returned to State employment.

10.7.2 Federal Active Duty: In accordance with the provisions of West Virginia Code §15-1F-1(b), all officers and employees of the State, hired for permanent employment, who are ordered or called to active duty by properly designated federal authority are eligible for an additional leave of absence from employment without loss of pay, status, or efficiency rating for a maximum period of thirty (30) working days, not to exceed two hundred forty (240) hours, for each single call to active duty, active duty for training, initial active duty for training, or full-time National Guard duty, all to include reasonable travel time to and from the duty location. All eligible officers and employees of the State called to federal active duty or full-time National Guard duty who have not used all or some portion of the thirty (30) working days of military leave granted by Section 10.7.1 are eligible to use those unused days in the same calendar year prior to using the thirty days for which they are eligible, up to a maximum of sixty (60) days for a single call to active duty. None of the unused days for which an officer or employee is eligible Section 10.7.1 may be carried over and used in the next calendar year. An employee on extended federal active duty or full-time National Guard duty is eligible for leave provided Section 10.7.1 only in the year he or she is called to active duty, and, in subsequent years, only for a subsequent call to duty and only after he or she has been discharged from military duty and returned to State employment. The term "without loss of pay" means that the employee shall continue to receive his or her normal salary or compensation, notwithstanding the fact that the employee may have received other compensation from federal or state sources during the same period.

10.7.3 Other Circumstances: Other than as provided in Section 10.7.2, any employee hired for permanent employment entering the U.S. armed services in time of war, national emergency or under compulsory provisions of law of the U.S. in time of peace shall be granted a leave of absence from his or her service with the agency. Upon completion of and discharge from the armed services and within the applicable time period prescribed by federal statute, rule, or regulation regarding return to employment, the employee has the right to resume his or her service with the agency without any prejudice to his or her status, merit rating or standing by reason of the absence. An employee shall be credited with all annual leave and sick leave not used at the commencement of his or her military leave.

Section 11: PEIA Insurance Benefits

11.1 Health Coverage

PEIA website: <http://www.peia.wv.gov/Pages/default.aspx>

The Public Employees Insurance Agency (PEIA) offers the PEIA PPB Plans A, B, C and D and The Health Plans with two HMO options and a PPO Plan. These are offered to all active employees.

PEIA PPB Plans A, B, C and D

Plan A is the standard plan. Plan B is similar to Plan A, but offers lower premiums with higher deductibles, higher out-of-pocket maximums, and higher co-payments for prescription drugs. The medical coverage is identical in PPB Plans A and B. Plan C is PEIA's IRS-qualified High Deductible Health Plan and offers lower premiums, but a high deductible that must be met before the plan begins to pay; the plan is designed to work with either a Health Savings Account (HAS) or a Health Reimbursement Arrangement (HRA). Plan D is the West Virginia ONLY plan whose benefits mirror those of Plan A, but with no out-of-state benefits except for medical emergencies and a few services that are not available within WV.

If you live in an area where PEIA offers a managed care plan, you may be eligible to enroll in a managed care plan or in the PEIA PPB Plan. You must live in the managed care plan's enrollment area to be eligible to enroll in a plan. Please consult your Shopper's Guide or contact your benefit coordinator to determine what managed care plans are offered in your area. The PEIA PPB Plans use a coordination of benefits provision that determines how they will pay if you have other health insurance available to you. The PEIA PPB Plans may be of little or no value to you as secondary insurance on your dependents.

The Health Plan offers three options: The Health Maintenance Organization (HMO) has an organized provider network to provide medical services to members who agree to utilize the HMO's provider network for care and usually receives a higher level of benefits than under a standard insurance plan. The Preferred Provider Organization (PPO) plan provides benefits from a provider in the network or out-of-network provider, but with a lower level of benefits. Coverage for each plan can be found in the Summary Guide and Shopper's Guide at PEIA's website: www.peia.wv.gov.

11.2 Life Insurance

You are eligible for Basic decreasing term life insurance with accidental death and dismemberment (AD&D) benefits. If you choose not to enroll for health benefits, you may still choose to enroll for basic life insurance. You must enroll for basic life insurance before you elect any other optional life insurance coverage.

11.3 Mountaineer Flexible Benefits

Mountaineer Flexible Benefits is a "cafeteria plan" which offers additional optional benefits. The Mountaineer Flexible Benefits Plan enables employees to choose from among several options for dental, vision and short- and long-term disability insurance, as well as medical care and dependent care flexible spending accounts, and to pay for these benefits on a pre-tax basis. A Legal Plan is also available as a post-tax benefit option.

Open Enrollment for Mountaineer Flexible Benefits is held each Spring. If you have questions about Mountaineer Flexible Benefits, contact Fringe Benefits Management Company at **1-844-559-8248** (toll-free) or on the web at www.myfbmc.com. The Mountaineer Flexible Benefits Plan offers dental and vision coverage for retired employees on a post-tax basis.

11.4 Enrolling in PEIA Health and/or Life Insurance Benefits

You may enroll for PEIA health and life benefits by completing enrollment forms at your place of employment. On these forms you will select the types of coverage you want and enroll the eligible dependents you wish to cover.

Participation in PEIA benefit plans is not automatic; you must complete the proper enrollment forms. Enrollment will authorize your employer to deduct the premiums for the coverages you select from your salary. There are restrictions on how and when you may enroll and make changes in your coverage.

11.5 Information for New Employees

You may enroll for health coverage, basic life insurance, dependent life insurance, and up to \$500,000 of optional life insurance coverage during the calendar month you are hired and the following two calendar months. This is your "initial enrollment period." If you enroll for basic life insurance, then you may enroll for optional life insurance, as well. No medical information form is required for up to \$100,000 of optional life insurance elected during this initial enrollment period. A medical information form is always required for optional life insurance in excess of \$100,000. Health and life insurance coverage will become effective the first day of the calendar month following the date of enrollment.

If you enroll and begin work on the first day of a month, your coverage will not be effective until the first day of the following calendar month. If you enroll before you actually start work, coverage will begin the first day of the month following your first day of active employment. Your health care plan selection will remain in effect for a full plan year unless you move outside the service area of your plan or have a qualifying event that enables you to cancel coverage.

If you choose not to enroll for life insurance during this initial enrollment period, but want life coverage later (basic, optional or dependent optional) for you or your dependents, you will have to submit a medical information form and be approved by PEIA's life insurance carrier. Coverage will become effective the first day of the calendar month following approval. If you choose not to enroll for health coverage as a new employee, you may do so later in accordance with guidelines in effect at the time you choose to enroll.

Section 12: State-Mandated “Safety-net” Programs

12.1 Unemployment Compensation

Workforce WV website: http://www.wvcommerce.org/business/workforcewv/unemployment_compensation/default.aspx

Unemployment Compensation (UC) is designed to provide benefits if you are temporarily unemployed through no fault of your own, and who would be employed full-time if suitable jobs were available. Unlike public welfare, UC is an insurance program. **Need for assistance is not a factor that can be considered.** UC cannot help you if you are too sick or disabled to work, or if you cannot take a full-time job. For more information please contact WorkForce West Virginia at 1-800-252-JOBS (5627).

12.2 Workers’ Compensation—Zurich

Zurich website: <https://www.zurichna.com/en/prodsols/workerscomp>

DOP website: <http://www.personnel.wv.gov/SiteCollectionDocuments/Policies/WorkComp.pdf>

If you sustain a work-related injury or illness, you are entitled to file a claim with Zurich. Zurich provides a partial replacement of lost wages and pays medical expenses related to occupational injury or disease. To qualify for compensation, the injury or illness must have occurred in the course of and as a result of employment. Your supervisor must be notified immediately if a work related injury or illness is sustained.

To apply for benefits you must complete and sign Section I of the SAWC-1 Form, and your physician must complete Section II. The form is available from your facility or the physician. Zurich will notify the employee of the decision on the claim.

SAWC-1 Form: <http://www.wvinsurance.gov/Portals/0/pdf/First%20Report%20of%20Injury%20employee%20and%20physician.pdf>

You cannot receive workers’ compensation disability benefits and paid sick leave at the same time. You must complete an Election of Option Form specifying the choice of either workers’ compensation disability benefits or sick leave benefits.

Any employee requiring unpaid leave for more than one year, but no longer receiving Temporary Total Disability benefits, will be required to pay for both the employer’s portion and the employee’s portion of any benefits after that time.

For additional information regarding on-the-job injury claims, call Zurich at (304) 941-1000.

Section 13: Retirement Benefits

13.1 Public Employees Retirement System (PERS)

(CPRS website: <http://www.wvretirement.com/>)

The Public Employees Retirement System (PERS) is funded by employee and employer contributions. An active member hired for the first time prior to July 1, 2015 contributes 4.5% of his or her gross monthly salary to the plan. Until June 30, 2015, the employer will contribute 14% of the member's gross monthly salary for a total combined contribution equal to 18.5%. Effective July 1, 2015, the employer will contribute 13.5% of the member's gross monthly salary for a total combined contribution equal to 18%. All employee contributions are tax deferred. Contributions as a percentage of payroll for members and employers are established by statute, subject to legislative limitations. The expected contributions are reviewed to assure that they result in actuarially sound funding for the plan.

Retirement benefits are not automatic. Prospective retirees must make application to the Board in order to commence retirement benefits and it is recommended that you submit paperwork six months prior to your anticipated retirement date.

13.2 Retirement Benefits

13.2.1 Regular Retirement. A member hired for the first time prior to July 1, 2015 who has not separated from employment with a participating PERS agency may:

1. Retire with full benefits at age 55 if age plus contributing service equals 80 or more.
2. Retire with full benefits at age 60 if he or she has 5 or more years of contributing service.
3. Retire with reduced benefits at age 55 if he or she has 10 or more years of service.

13.2.2 Deferred Retirement. A member hired for the first time prior to July 1, 2015 who has separated from employment with a participating PERS agency and has not withdrawn his or her contributions may:

1. Retire at age 62 with full benefits if he or she has 5 or more years of contributory service.
2. Retire with full benefits at age 55 if age plus contributing service equals 80 or more.
3. Retire with reduced benefits if he or she has 10 or more years of service, and attained age 55 at the time of separation of employment.
4. Retire with reduced benefits at age 55 if he or she has between 20 and 25 years of service.
5. Retire with reduced benefits if less than 55 years of age and he or she has 30 or more years of credited service.

13.2.3 Retirement Calculations. A full retirement benefit, paid in equal monthly installments, is an amount equal to 2% multiplied by your years of credited service multiplied by your Final Average Salary (FAS). Final Average Salary refers to the average annual salary from the highest 36 consecutive months within the last 15 years of employment. Any lump sum payments that is not guaranteed to be paid annually is not considered compensation and is, therefore, not used in FAS. Annual increment pay received by State employees is considered compensation and is, therefore, used in FAS

$2\% \times \text{Years of Service} \times \text{FAS} = \text{Annual Straight Life Retirement Benefit}$

13.3 Use of Unused Sick and Annual Leave at Retirement.

PERS members who have accrued, unused sick and/or annual leave days may be eligible to acquire additional credited service to be applied on the basis of 1 month of service credit granted for each 10 days of unused, accrued sick and/or annual leave. Such days will constitute additional service in the computation of retirement benefits. The additional credited service shall not be used in meeting initial eligibility for retirement criteria.

In the alternative to increasing retirement benefits, members who participate in the Public Employee Insurance Agency (PEIA) may be eligible to apply accrued, unused sick and/or annual leave days at retirement toward the purchase of retiree health insurance under PEIA. Members should contact PEIA to determine if they are eligible for this option prior to retirement.

Unused leave CANNOT be divided and used for both retirement service credit and PEIA coverage. If the member separates from employment prior to eligibility for a retirement annuity, unused leave is not eligible to be used for additional retirement service or PEIA at a later date.

13.4 Disability Retirement

Less than 10 years of service—A member who has less than 10 years of credited service may apply for disability retirement benefits if the member became incapacitated within 12 months of last being employed with a participating public employer and if the incapacitation occurred as a result of a work related injury. The member must be receiving (or have received) Workers' Compensation benefits on account of such disability.

10 or more years of service—A member who has 10 or more years of credited service may apply for disability retirement benefits if the member became incapacitated within 12 months of last being employed with a participating public employer. Disability benefits shall not be less than 50% of a member's FAS. At age 65 the benefit is calculated on actual years of service and may be reduced, but the straight life benefit or equivalent may not be less than 20% of the FAS. Disability retirees are required to submit medical recertifications and copies of his or her annual statement of earnings for specified periods of time following receipt of disability benefits.

13.5 Changing a Beneficiary Prior to Retirement

If a member wishes to change a beneficiary(ies), he or she must complete a new beneficiary form and return it to the WV Consolidated Public Retirement Board (CPRB). The member should keep a copy of this form for his or her records. If a member's family situation changes (birth, death, divorce, marriage, etc.), his or her beneficiary designation should be reevaluated.

13.6 Death Prior to Retirement

PERS members may select beneficiary options based only upon the specific category that describes his or her particular circumstance at the time a beneficiary form is completed (i.e., date of hire, years of service and marital status).

Those categories are:

- 1) Less than 10 years of credited service regardless of original date of hire or marital status
- 2) Hired for the first time before or on June 9, 2006, has 10 or more years of credited service, and is married at the time of death
- 3) Hired for the first time before or on June 9, 2006, has 10 or more years of credited service and is NOT married at the time of death
- 4) Hired for the first time after June 9, 2006, has 10 or more years of credited service and is married at the time of death
- 5) Hired for the first time after June 9, 2006, has 10 or more years of credited service and is NOT married at the time of death.

Further stipulations can be found on PERS website or explained by your benefit coordinator.

13.7 Employment After Retirement

If a retiree becomes regularly employed by a participating employer, payment of his or her annuity shall be suspended during his or her reemployment, and he or she shall again become a contributing member of the retirement system. A retiree may accept temporary employment from a participating employer so long as he or she does not receive compensation in excess of \$20,000 during any calendar year. It is the retiree's responsibility to contact the WV Consolidated Public Retirement Board to report re-employment and to determine future retirement options. Disability retirees may not earn more than the Social Security substantial gainful activity amount.

13.8 Reinstatement of Previously Withdrawn Service

Any member who has been re-employed for one full year by a participating public employer may purchase previously withdrawn service, provided that he or she redeposits the withdrawn funds plus interest. Members must be re-employed for one year and the first reinstatement payment must be made between the first and second year of re-employment. If the first reinstatement payment is not made before the end of the member's second year of re-employment, the member is not eligible to reinstate previously withdrawn service. The full reinstatement amount must be repaid (in a lump sum or payments) before the end of the fifth year of the member's return to employment. Members should contact the Board at the end of his or her first year of return to employment to obtain the cost to reinstate withdrawn PERS service.

13.9 Military Service

Military service up to 5 years may be credited to PERS members in accordance with the WV Code § 5-10-15 . Members who have a break in employment as a result of being called to active military service may be eligible to purchase additional military service credit as provided by federal law.

13.10 Out of State Service

A member of PERS may purchase up to five years of service credit for public employment performed in another State. However, the member cannot be vested in the other State's retirement system or be in receipt of an annuity from such plan. Purchased out-of-state service may not be used to establish eligibility for a retirement benefit.

13.11 Termination of Employment

If a member terminates employment prior to the time he or she qualifies for retirement benefits and has accrued at least five years of contributing service, contributions may be left on deposit until he or she qualifies for retirement benefits, or the member may choose to withdraw his or her employee contributions (plus 4% interest if he or she with two or more years of contributing service) from the plan after termination of employment. Employer contributions are not eligible to be withdrawn. Once the member withdraws contributions from the system, all future retirement and disability benefits are forfeited.

13.12 Appointments/Questions

Most retirement related matters can be handled from the convenience of your home via mail and telephone. However, members who wish to visit the WV Consolidated Public Retirement Board to discuss retirement related matters with a PERS staff member re required to make an appointment. Should an employee have any questions regarding PERS, please feel free to contact CPRB in writing, by phone, or e-mail, Monday through Friday, 8:00am to 5:00pm. For additional information, you can also visit their website.

13.13 457 Deferred Compensation Plan

West Virginia Retirement Plus website: <http://wv457.com>

West Virginia Retirement Plus is a supplemental retirement plan designed to provide an extra savings alternative for all state, county, city and other political subdivision employees. This retirement program is similar to a 401(k) plan in structure except that it is designed to supplement a participant's primary retirement plan. With this program, there is no IRS 10% early withdraw penalty for those participants under the age of 59 1/2 years of age and for contributions made through the 457 Program. A participant may contribute as least as \$10 per pay period, in either the Pre-Tax Option or a ROTH Option. Employee contributions to the Plan are managed via convenient payroll deductions.

Participants can choose from a variety of quality investment options including one stable value fund and twenty four mutual funds representing various asset classes. The new servicer for the 457 Retirement Plus Program is EMPOWER Retirement. For more information contact the WV State Treasurer's Office at 304-558-5000; Jack Berry, Deputy Treasurer 304-340-5022; Barbara Harmon (304) 340-1563 or Tara Elswick (304) 340-5028.

Section 14: Travel and Expenses

14.1 Vehicle Operation and Maintenance

Reference—Policy #319.00

For business purposes, you may use a state-owned vehicle, privately-owned vehicle, or a commercial rental vehicle for ground transportation. The availability and use of a state-owned vehicle will be determined by the agency's policies and procedures. State-owned vehicles may be requested from the Division's motor pool in accordance with the Division's policies and procedures. State-owned vehicles are for "official use" only and no passengers, other than state employees or others persons approved by the Division Director, are permitted in state vehicles. Only regular unleaded or diesel fuel, as appropriate, is to be purchased for state agency vehicles. All State-owned Vehicles are designated "NO TOBACCO USE". Use of wireless communication devices by a driver is prohibited while the vehicle is in motion, except when the wireless communication device is being used hands-free. The vehicle operator is responsible for responding to any and all citations or warrants issued or fines levied regarding the operation or parking of the vehicle, including towing charges, to which he or she is assigned (either temporarily or permanently) and is personally liable for any and all fines or penalties – criminal or civil.

14.2 Lodging Reimbursement

Allowable reimbursement for lodging shall include the actual expenses for overnight accommodations and all applicable taxes and surcharges. Reimbursement for a single occupancy shall be at the least expensive single room rate available. For multiple occupancy, reimbursement may be claimed fully by one traveler with no claim filed by the other traveler, or each traveler may be reimbursed at equal percentages of the total actual cost for accommodations. Receipts are required for lodging reimbursement. The hotel/motel invoice or folio shall be the official document utilized for reimbursement to the traveler. Lodging may be direct billed and the traveler must attach a copy of the lodging invoice or other proof of lodging to the expense account settlement.

14.3 Registration Fees

Fees or charges for attendance at conferences, meetings, seminars, and/or workshops, as well as event-related materials, are reimbursable expenses to the traveler but must have been pre-approved. Reimbursement for registration fees at meetings or conferences is allowable and receipts are required for reimbursement. The receipt/documentation provided by the event sponsor shall be sufficient for reimbursement. Travelers are reminded to adjust meal reimbursement requests for meals included with the registration fee. The traveler will not receive an allowance or reimbursement for lodging or food included in registration fees.

14.4 Meals

Meal expense reimbursement is limited to actual expenses for food, service and gratuities, not to exceed the Authorized Daily Rates as established by the U.S. General Services Administration (GSA), when there is an overnight stay. Specifically excluded are alcoholic beverages and entertainment expenses. Meal reimbursement is allowed when lodging is listed as "gratis" or "no charge." **Itemized receipts are required for reimbursement.**

When meals are provided for a traveler, the traveler's maximum daily rate shall be reduced by the appropriate amount. To determine the amount of deductions for meals, allowances for meal expenses shall be deducted accordingly:

Breakfast	20% of the maximum daily rate
Lunch	20% of the maximum daily rate
Dinner	60% of the maximum daily rate

On the first and last days of travel of an overnight trip when no meals are provided, the allowable reimbursement is based on 75% of the GSA per diem rate for the specific city. Departure or arrival times are not considered. If a meal is provided gratis or included within a registration fee of the business travel, the per diem rate must be reduced by the appropriate amount from the 75% of the GSA Authorized Daily Rates.

Meal expenses for single day travel are not reimbursable. Single day travel is travel without an overnight stay. Travel without an overnight stay will not qualify a traveler as being away from home for purposes of receiving meal reimbursement.

14.5 Other Expenses

Travelers may incur miscellaneous business-related expenses for which reimbursement may be made, if appropriate. The agency requires a receipt, as a means of cost control.

Such expenses and reimbursement may include, but are not limited to:

- Baggage handling and gratuities when using public transportation or conveniences (i.e., taxi, limousine, air porter services, or airport/rail curbside check-in); tolls, garage and parking fees, including gratuities; communication expenses, such as facsimiles.

For a complete guide of the State Travel Regulations, visit the Travel Management Units website <http://www.state.wv.us/admin/purchase/Travel/>

Section 15: Miscellaneous

15.1 Grievance Procedures

Public Employees Grievance Board website: www.pegb.wv.gov

Reference— W. Va. Code § 6C-2 et seq.

The West Virginia Public Employees Grievance Board was implemented to provide a fair, consistent and expedient administrative process for resolving employment related disputes between the employer and the employee. All forms and information is available on their website. The Grievance Board is located at 1596 Kanawha Blvd. East, Charleston, WV 25311. Telephone numbers are: (304) 558-3361 or toll-free at (866) 747-6743; fax: (304) 558-1106.

Level one

A grievance form must be filed within fifteen (15) days of the grievable event and indicate whether a conference or a hearing is desired. The form must be submitted to the West Virginia Public Employees Grievance Board, 1596 Kanawha Blvd. East, Charleston, West Virginia 25311, a copy to the Division Director in Central Office and a copy to the Director of the Division of Personnel, Building 6, Room 416, State Capitol Complex, Charleston, West Virginia 25305. The Division Director shall hold a conference within ten (10) days or a hearing within fifteen (15) days of receipt of written grievance and issue a written decision within fifteen (15) days of the chosen proceeding.

Level two

An appeal of an adverse decision shall be filed within ten (10) days of receiving the Level one decision to the WV Public Employees Grievance Board. A copy of this appeal must be sent to the Division Director and the Director of the Division of Personnel, Building 6, Room 416, State Capitol Complex, Charleston, West Virginia 25305. The alternative dispute resolution proceeding is to be scheduled within twenty (20) days and a report of the mediation shall be documented, in writing, in fifteen (15) days.

Level three

An appeal of an unsuccessful L2 mediation shall be filed with the Grievance Board within ten (10) days of receiving the report. A copy of this appeal is to be sent to the Division Director and the Director of the Division of Personnel, Building 6, Room 416, State Capitol Complex, Charleston, West Virginia 25305.

The grievant must select either a level three hearing or to submit the case on the level one hearing record. A level three hearing, if requested, is to be held within a reasonable time following the request. **Note: In practice, hearings are usually held on a date agreed upon by the parties.**

The Administrative Law Judge shall issue a written decision usually within thirty (30) days of the hearing.

Note: If the parties agree to file proposed findings of fact and conclusions of law, the Board considers the 30-day deadline to be automatically extended until the agreed date.

NOTE: WAIVER TO LEVEL THREE

Pursuant to W. Va. Code § 6C-2-4(3), a grievant may proceed directly to level three for two reasons: 1) with a written agreement between the grievant and the Division, or 2) when the grievant has been discharged, suspended without pay, demoted or reclassified resulting in a loss of compensation or benefits.

15.2 Employee Referral Program

Reference—Policy #147.00

DOP website: <http://www.personnel.wv.gov/SiteCollectionDocuments/Miscellaneous%20Documents/EmpReferral.pdf>

The Employee Referral Program is provided to all state employees as a service of the WV Department of Health and Human Resources, in conjunction with the WV Division of Personnel.

Referrals are made confidentially for treatment with independent professionals. Problems may include family-child, marital, financial, emotional, alcohol/drug abuse, and other life adjustment problems that affect both personal and work lives. This book can be obtained from your facility's human resource personnel or from the website listed above.

15.3 Political Practices

Reference—Policy #110.00

DOP website: <http://www.personnel.wv.gov/SiteCollectionDocuments/Political.pdf>

Only certain political activities are permitted for state employees. These activities are delineated in West Virginia Code §29-6-20 and Section 16 of the Division of Personnel's *Administrative Rule*.

15.4 Secondary Employment and Voluntary Activity

Reference—Policy #136.00

DOP website: <http://www.personnel.wv.gov/SiteCollectionDocuments/Policies/OtherEmp.pdf>

The Division has a standardized and simple procedure for processing employees' request for secondary employment or certain volunteer activities that may conflict with their employment with the Division.

Employment with the Division shall be your primary employment. Any secondary employment/volunteer activity must not: interfere with, conflict with, or have the appearance of a conflict with your primary employment; conflict with the interests of the Division; interfere with the performance of your official duties; use proprietary State information; create the appearance of official State action; or entail appearing before the Division on behalf of the secondary employer or volunteer organization in any capacity. You must request an evaluation of the secondary employment and/or volunteer activity by completing Part I of the Division of Personnel's Request for Determination Regarding Secondary Employment or Volunteer Activity Form and submitting it to the Facility Superintendent/Director who will then forward to the Division Director for final approval.

15.5 DJS Wellness Centers

Reference—Policy #159.00

The Division supports and promotes employee wellness, and is committed to creating a work environment that provides such. Each facility that has a worksite fitness center will have all its employees (permanent full time, permanent part time, temporary) and contract workers to sign a **Waiver of Liability and Hold Harmless Agreement Regarding Voluntary Exercise Activities** prior to utilizing any worksite exercise equipment or participating in any worksite instructor-led exercise courses.

15.6 Public Employees Credit Union

Website: www.wvpecu.org

The West Virginia Public Employees Credit Union is a member-owned financial cooperative serving eligible employees, retirees and members of their immediate families. To join the Credit Union, an initial membership fee of \$2.00 plus a \$5.00 deposit to a savings account is required. All deposits in the Credit Union are insured up to \$100,000 by the National Credit Union Administration, an agency of the Federal Government. The Credit Union also offers many other financial services, including checking accounts, Christmas/vacation clubs, travelers checks and loans.

You may sign up for membership with your payroll coordinator or call the Credit Union. For more information about the financial services available to you, call the Credit Union at 304-558-0566 or visit them on their website. Please see your payroll coordinator for more information.

15.7 State Agency Information Websites

Any other information pertaining to employment with the State of West Virginia not specifically addressed in this Employee Personnel Handbook or the Division policies can be found at the following agencies websites and/or phone numbers:

Division of Juvenile Services: www.djs.wv.gov or by calling 304/558-9800 or 1-800-368-2780.

Division of Personnel: www.personnel.wv.gov or call 304/558-3950.

Consolidated Public Retirement Board: www.wvretirement.com or call 304/558-3570.

Public Employees Insurance Agency: www.wvpeia.com or call 888/680-7342.

West Virginia Public Employees Grievance Board: <http://pegb.wv.gov> or call 866/747-6743.

West Virginia Public Employees Credit Union: www.wvpecu.org or call 304/558-0566.

Division of Labor: www.wvlabor.com or by calling 304/558-7890.

State EEO Office: www.eeo.wv.gov or by calling 304/558-0400.

Human Rights Commission: www.hrc.wv.gov or by calling 304/2616 or 888/676-5546

Ethics Commission: www.ethics.wv.gov or by calling 304/558-0664 or 866/558-0664

WV State Americans with Disabilities Act Office: www.ada.wv.gov or by calling 304/558-4331 ext. 57004

Division of Rehabilitation Services: www.wvdrs.org or by calling 1-800-642-8207

Bureau of Senior Services: www.wvseniorservices.gov or by calling (877) 987-3646 or 304-558-3317

Department of Health & Human Resources: www.dhhr.wv.gov or by calling 304-558-0684

West Virginia State Home Page: www.wv.gov.

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Division of Juvenile Services

Acknowledgement Receipt
of

EMPLOYEE HANDBOOK

I, _____, an employee of the Division
(Print Name)

of Juvenile Services at _____, do
(Name of Facility)

hereby affirm that I have received the attached Employee Handbook.

EMPLOYEE'S SIGNATURE

DATE

WITNESS

DATE

Original to be maintained in Employee's Personnel File in Central Office